

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 16,017
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Appeal of)
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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare refusing to provide Reach Up funding for the fee to take her GED exam. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioner applied for ANFC on April 2, 1999, based on her and her husband's unemployment. The Department found her eligible on April 9, 1999. Although she was not a mandatory registrant for Reach Up she advised the Department on that day that she would like to participate in Reach Up voluntarily.

2. At that time the petitioner was near completing her studies toward a GED.

3. The Department's office in the petitioner's district holds Reach Up orientation meetings on a monthly basis. These meetings are the first contact a Reach Up participant has with the program. At the time of the petitioner's eligibility for ANFC the next Reach Up orientation meeting was scheduled for April 27, 1999.

4. For some reason, the Department misplaced the petitioner's application for Reach Up, and she was not

notified of the April 27 orientation meeting. The Department does not dispute that if the petitioner's application for Reach Up had been processed timely the petitioner would have been able to attend the April 27 meeting.

5. On May 4, 1999, the Department closed the petitioner's ANFC because her husband had returned to work. The ANFC closure became effective May 15, 1999. Because of her termination from ANFC the Department never processed the petitioner's application for Reach Up.

6. In June, the petitioner took the GED test and passed. She paid the \$50 fee out of her own pocket.

7. The petitioner maintains that Reach Up should pay the \$50 fee because she should have been signed up for Reach Up as of the date of the orientation meeting, which was held before her ANFC was terminated.

8. The Department represents, and the petitioner does not dispute, that at Reach Up orientation meetings new participants are assigned a case manager and scheduled for a meeting with their casemanager to conduct an assessment of their goals and to construct a "family development plan" (FDP) outlining Reach Up goals and services.

9. Volunteer Reach Up participants are the lowest priority for the Department in terms of scheduling time for case managers. However, the Department admits that there probably would have been a case manager available to meet

with the petitioner, but certainly no sooner than two weeks following the orientation meeting.

10. Following the initial meeting with a participant's case manager it usually takes more time to complete an FDP and actually begin any Reach Up services set forth in the plan.

11. Based on the Department's uncontroverted representations it is found that even if the petitioner had attended the orientation meeting on April 27, 1999, there was no chance that Reach Up would have completed an FDP for the petitioner and approved payment of her GED exam fee before she was terminated from ANFC on May 4, 1999.

ORDER

The Department's decision is affirmed.

REASONS

Under the Reach Up regulations an "orientation", "assessment", and completion of a "Family Development Plan" are all required before Reach Up services can begin. WAM §§ 2345.2 and 2345.3. The regulations also provide:

. . . Reach Up funding is available for the completion of program activities by an individual who is no longer eligible for ANFC benefits as long as he or she has been a Reach Up participant with an approved FDP and the funds for the program activity were obligated or expended before the participant lost his or her ANFC eligibility.

WAM 9 2346 (emphasis added).

In this case, even if it could be speculated that Reach Up would have provided payment of her GED fee as part of her FDP, it is clear that the petitioner could not possibly have had an FDP in place before she was terminated from ANFC. Therefore, there is no basis to conclude that she is now entitled to have the Department reimburse her for that fee.

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