

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 9244 &
) 10,025
Appeal of)

INTRODUCTION

The petitioner requested a fair hearing to present both new and long-standing grievances against the Department of Social Welfare and other state and local agencies, including the Human Services Board. The petitioner's grievances against the Department include the recent denial of emergency fuel assistance (Fair Hearing No. 10,025).

DISCUSSION

The petitioner and his family receive ANFC and disability benefits. In mid-September, when the weather began turning colder, the petitioner requested additional assistance to purchase fuel oil. The Department's supplemental and emergency fuel programs are not scheduled to start up until November 1, 1990. The petitioner admitted he had fuel on hand but was afraid of running out if the weather remained cold.

The district director was willing to make an exception in the petitioner's case, and grant him G.A. for fuel if the petitioner was willing to set aside \$150.00 per month of his ANFC check to cover his projected share of his monthly fuel costs (i.e., the cost of fuel that would exceed the petitioner's fuel assistance benefits). The petitioner did

not think he could afford to make this commitment. Thus, the Department denied his request for G.A. benefits.

The petitioner also used his fair hearing to air long-standing complaints against officials in his town who the petitioner charges have harassed and slandered him. The petitioner feels it is the state's responsibility to pursue his complaints against these individuals.

Also, the petitioner complains that the Department and the board's delay in resolving a prior fair hearing has caused him financial injury. In that case (Fair Hearing No. 9244) the petitioner claimed Medicaid should cover treatment he received at an out-of-state facility. After the petitioner requested the hearing, the Department notified the board that the facility in question had not yet billed Medicaid, and that it was working to resolve the matter. The Department now informs the board that the bill was eventually paid. However, the petitioner maintains that the delay caused the facility to bill him directly and to report his non-payment to various credit agencies, thus adversely affecting the petitioner's credit.

The petitioner also used the recent fair hearing to protest the treatment he received at yet another fair hearing he had two years ago. At that hearing held, the hearing officer called the police after the petitioner became boisterous and uncooperative. When the police arrived, an altercation ensued resulting in the petitioner's

arrest and the filing of criminal charges against him. The petitioner blames the Department and the hearing officer for this claimed injustice. The benefits in question at that hearing, however, were paid and the appeal was dismissed.

ORDER

The Department's decision regarding fuel assistance, Fair Hearing No. 10,025, is affirmed. The petitioner's appeal in Fair Hearing No. 9244 is dismissed as moot. The board does not have subject matter jurisdiction to consider the petitioner's other complaints.

REASONS

In view of the fact that the Department's fuel assistance programs were not available in September, the only way the petitioner would have qualified for emergency assistance to purchase fuel was through the general assistance program. However, the petitioner does not qualify for G.A. for several reasons. First, the petitioner's income is in excess of the Department's standards. Also, the petitioner was not actually out of fuel on the day he applied for assistance. The petitioner does not allege that anyone in his family has a medical condition that would be jeopardized in an intermittently chilly house in early autumn. Thus, it cannot be concluded that the petitioner had an emergency need for fuel. Since this is the only way he would be eligible for G.A., the Department's decision is affirmed. See W.A.M. 9 2600 and 2602.

As to the petitioner's other complaints, the board does not have jurisdiction to consider claims for monetary damages against town officials, individuals employed by the Department, or its own hearing officers. The petitioner is correct that he has a constitutional right to pursue these grievances and that the state has an obligation to provide him with a forum in which to do so. That forum, however, is a court of law, not the Human Services Board. The board can consider only casework decisions by the Department of Social Welfare. 3 V.S.A. § 3091(a).

Since the issue in Fair Hearing No. 9244 has been resolved--the Department has paid the medical bill in question--that appeal is dismissed.

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