

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 9505
)
Appeal of)

INTRODUCTION

The petitioner appeals the closure of his ANFC grant due to excess income.

FINDINGS OF FACT

The petitioner filed an appeal via telephone on November 7, 1989, of the department's closure of his ANFC grant due to "excess income". A hearing was scheduled for November 22 but continued at the petitioner's request until December 13, 1989.

On December 12, 1989, the department filed a Motion to Dismiss the matter based on its belief that the petitioner's appeal was based on the department's use of a standard disregard for employment related expenses rather than actual employment related expenses to calculate the petitioner's eligibility. That issue, the department contended, was res judicata as it had been litigated in federal court with this petitioner and had been decided in favor of the department on January 13, 1986. Steven Dale and Mary Ann Dale vs. State of Vermont, et al, U.S. Dist. Court, District of Vermont #82-252, January 13, 1986. At the petitioner's request, the matter was again continued so he could respond to the department's motion. The matter was rescheduled for January 16, 1990 and

the petitioner who appeared pro se was given 10 days to respond to the Motion. He failed to do so. On January 16, 1990, the petitioner and the department appeared at the hearing at which time the petitioner was asked, prior to going on the record, to clarify the basis for his appeal, so a ruling could be made on the department's Motion. The petitioner said the basis was "everything the department had ever done wrong." The hearing officer told the petitioner that his grounds needed to be more specific so the department could prepare for the hearing and so she could rule on the Motion. The petitioner refused to give any more information saying only that he had a right to a hearing. The hearing officer thereupon turned on the tape recording and started the hearing record. The petitioner refused to let the hearing officer speak on the record, and began shouting that he was taking everyone to court and left the room.

ORDER

The petitioner's appeal is dismissed for failure to state the basis for his claim, failure to answer the department's Motion to Dismiss, disruption of his hearing and apparent abandonment of his appeal.

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