

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 13,218

)

Appeal of )

)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare removing his needs from his family's ANFC grant for a period of three months. The issue is whether the petitioner failed to participate in Reach Up without good cause.

FINDINGS OF FACT

The following facts are not in dispute. The petitioner receives ANFC as an "unemployed parent" and is required to participate in the Department's Reach Up program. On August 12, 1994, the petitioner registered for Reach Up and was assigned an eight-week work search, which required him to provide written verification of places where he had applied for work.

At a scheduled meeting with his Reach Up counselor on August 26, 1994, the petitioner failed to bring in his documented work search. Another meeting was scheduled for September 2, 1994.

When the petitioner failed to appear at this meeting or call to explain his absence his counselor sent him a "conciliation letter" (see infra) in which a "conciliation conference" was scheduled for September 27, 1994. The petitioner also failed to appear at this meeting, and did not call to explain his absence. The counselor then sent the petitioner notice of a another conciliation meeting to be held on October 4, 1994.

On October 4, 1994, the petitioner called his counselor to say that he could not attend the meeting because he was babysitting for his grandchildren. The counselor agreed to reschedule this meeting for October 11, 1994 at 3 P.M., a date and time the petitioner told him was convenient.

The petitioner did not appear at the meeting or call his counselor on October 11, 1994. At that point the counselor determined that the petitioner had failed to participate in the program and notified the Department that he was imposing a sanction. Because this was the petitioner's second failure to participate in the program (a previous Reach Up sanction had been imposed on the petitioner in May,

1994) the Department reduced the petitioner's ANFC grant for three months by removing the petitioner's needs from the grant.

The petitioner admits all the above facts but maintains that he missed the meetings because he had to babysit for his grandchildren while his daughter (the children's mother) tried to enroll in school.

### ORDER

The Department's decision is affirmed.

### REASONS

A condition of receiving ANFC benefits as an "unemployed parent" is that the parent who is unemployed must be "cooperating with Reach Up participation requirements". W.A.M. § 2333.1(7). Such parents who have been determined to have failed to participate in Reach Up without good cause are subject to having their "needs excluded in determining eligibility for and the benefit amount in ANFC". W.A.M. § 2351.1. The length of the above disqualification for the "second occurrence" of such a failure to participate is for three months. Id.

The regulations also provide that "failure without good cause to appear for two scheduled conciliation conferences results in automatic imposition of the applicable sanction". W.A.M. § 2350. There is no question that the petitioner in this case failed to appear at at least two such meetings.

The "Good Cause Criteria" for failure to participate in Reach Up are contained in W.A.M. § 2349.1. The only provision that remotely applies to the petitioner's situation is the following:

q. A family emergency such as the death, illness, or injury of a family member requires the individual's immediate attention, and the participant notified the employer or appropriate person of the situation at the earliest possible moment.

It cannot reasonably be concluded, however, that the petitioner's babysitting for his grandchildren because his daughter was attempting to enroll in school constituted such a "family emergency". Even if it did, the petitioner made no attempt to notify his counselor that he would not be attending the conciliation meetings that were scheduled on September 27 and October 11, 1994.<sup>(1)</sup>

It must, therefore, be concluded that the petitioner failed without good cause to appear at two scheduled conciliation meetings, which under the regulations (supra) triggers the "automatic imposition of the applicable sanction". Inasmuch as the Department's decision in this matter is in accord with the pertinent regulations the board is bound by law to affirm it. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

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1. The one conciliation meeting when the petitioner did call his counselor was on October 4, 1994,

which the counselor had set after the petitioner had failed to appear at or notify him regarding the meeting of September 27.