

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 13,315

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Appeal of )

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying his application for general assistance (GA) benefits for housing. The issue is whether the petitioner qualifies for GA under the pertinent regulations.

FINDINGS OF FACT

The petitioner is a twenty-five-year-old single man with a high school education and no physical or mental disabilities. He came to Vermont with the fair in August, and is presently homeless, unemployed, and without income and resources. At the hearing, held on January 4, 1995, the hearing officer carefully reviewed with the petitioner the eligibility criteria for GA. The petitioner admits that he does not meet two or more "barriers to employment" under the regulations (see infra).

The petitioner stated that he had once tried to stay at one of the city's two homeless shelters for men but had been turned away that night because he had been drinking. The hearing officer provided the petitioner with the address and phone numbers of both shelters and advised the petitioner to reapply for GA if he is denied access to them for reasons beyond his control.

ORDER

The Department's decision is affirmed.

REASONS

The GA regulations preclude eligibility for a single able-bodied individual who does not have two or more listed "barriers to employment" unless that individual is facing a "catastrophic situation" which cannot be alleviated without GA. See Welfare Assistance Manual (W.A.M.) §§ 2600-2602.1. The regulations also provide that GA for "temporary housing" is provided only when "alternative

arrangements are not immediately available". W.A.M. § 2613.2. For single men without health problems, the board has held that homeless shelters are suitable alternatives to the "temporary housing" (usually motel rooms) provided under GA. See, e.g., Fair Hearing No. 13,048.

Although the petitioner is presently homeless, unless and until he exhausts the possibility of staying in the available shelters he does not qualify for GA for "temporary housing". Inasmuch as the Department's decision in this matter is in accord with the 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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