

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 13,366

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying her application for general assistance (GA) for a deposit on an apartment and household furnishings. The issue is whether the petitioner was eligible for GA coverage of these items within the meaning of the pertinent regulations.

FINDINGS OF FACT

The petitioner moved to Vermont with her three children in October, 1994, after breaking up with her husband in New Hampshire. She was found eligible for ANFC beginning November 1, 1994. At first, the petitioner stayed with her parents, but then moved in with some friends. When this didn't work out the petitioner located an apartment she could move into.

On December 22, 1994, she applied for GA for a deposit for the apartment and for household furnishings. The Department denied the application determining that the petitioner was over-income and not facing an emergency need.

Immediately following the denial of GA the petitioner obtained the deposit on the apartment from the local community action agency and was able to move in.

At the time of her hearing, which was held on February 8, 1995, the petitioner had obtained some furniture, but she still needed beds and dressers for her children. The Department agreed to purchase beds for the children but denied the petitioner's requests for dressers and for reimbursing the Community Action agency that had paid the deposit on the apartment.

ORDER

The Department's decision is affirmed.

REASONS

Even assuming that the petitioner's circumstances in December constituted a "catastrophic situation", which under the regulations⁽¹⁾ was necessary in order for her to qualify for GA⁽²⁾, the regulations provide that GA payment is authorized only if "housing cannot be obtained without cost to the applicant, e.g., supplied by relatives, friends, community groups, etc." Although this case may raise questions of "protocol" between the Department and Community Action agencies over the circumstances under which each agency will pay deposits for housing, the fact is that the petitioner was able to obtain her deposit, without obligation, from the Community Action agency. There is no provision in the regulations requiring the Department to "reimburse" the petitioner or the Community Action agency (which is not a party to this fair hearing) for a rent deposit that has already been paid.

The regulations covering GA payment for household furnishings ". . . include only heating equipment, stoves, refrigerators and those items essential for eating and sleeping accommodations." W.A.M. § 2615. It cannot be concluded that dressers for the petitioner's children are covered under the above provision.

Inasmuch as the Department's decisions regarding the deposit and the dressers are in accord with the above regulations, the board is bound by law to affirm them.

3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

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1. See WAM §§ 2600 and 2602.
2. This decision reaches no conclusions on that issue.