

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 13,555

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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 transitional child care assistance. The issue is whether the regulations limit child care payments to the maximums set by the Department of Social and Rehabilitation Services (SRS) for its day care subsidy program.

FINDINGS OF FACT

The facts are not in dispute. The petitioner has two children. When the petitioner recently began working her ANFC benefits were terminated because her earnings left her eligible for an ANFC grant of under \$10, the minimum amount payable under the program. However, because the petitioner remains in "active ANFC" status, her medicaid benefits are continuing. The petitioner also receives food stamps.

After she began working the petitioner applied and was found eligible for the maximum SRS day care subsidy that is payable to a family of her composition and income. However, because this did not pay all the child care costs the petitioner is incurring, the petitioner applied to the Department for an additional reimbursement under the ANFC Reach Up Transitional Child Care Assistance program.

The Department denied this request because the petitioner is receiving the maximum day care subsidy available through SRS.

ORDER

The Department's decision is affirmed.

REASONS

Welfare Assistance Manual (WAM) § 2352.5 provides, in pertinent part:

Payment Rate Limitations

The reimbursement rate for allowable child care expenses shall be the actual expenses incurred up to the maximum rate set by the Department of Social and Rehabilitation Services (SRS) taking into consideration the number of children requiring care, the type of care provided (licensed center, registered family home, approved provider, and provisionally approved provider), age(s) of the child (ren) and the number of hours of care required. . .

In this case there is no dispute that the petitioner is already receiving (from SRS) the maximum rate allowable by SRS for child care expenses.

Because the Department's decision is in accord with the above provisions the Board is bound by law to affirm. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

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