

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 13,777

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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). The issue is whether the petitioner meets the eligibility criteria set forth in the regulations.

FINDINGS OF FACT

The facts are not in dispute. The petitioner is a forty-seven-year-old single man who is currently unemployed. The petitioner first applied for GA on July 6, 1995, alleging that he had applied for SSI because he was unable to work due to mental impairments. The Department gave him a GA disability verification form and instructed him to have his medical provider fill it out. On July 11, 1995, the petitioner returned to the Department with a narrative assessment and diagnosis from the VA hospital dated November, 1994, that he was disabled because of a variety of psychiatric and psychological disorders. The Department denied his GA application because the petitioner had not provided verification that he was currently disabled.

On July 14, 1995, the petitioner returned to the Department with a completed form verifying that he is currently disabled. The Department informed the petitioner that this was sufficient to establish GA eligibility, but that because the petitioner was applying for SSI he would have to sign a Recovery of Assistance Agreement prior to receiving interim GA benefits. The petitioner refuses to sign the SSI recovery agreement because he says he was "mistreated" by the Department and does not "trust" the Department to pay him his SSI after it deducts the amount of GA from his initial check.

At the hearing, held on July 19, 1995, the Department again informed the petitioner that he will be eligible to receive GA as soon as he signs the SSI recovery agreement.

ORDER

The Department's decision is affirmed.

REASONS

W.A.M. § 2600D includes the following provisions:

General Assistance shall be furnished with the understanding that when a recipient subsequently acquires benefits or resources in any amount from: an inheritance; cash prize; sale of property; retroactive lump sum Social Security; Veterans; or Railroad Retirement benefits; or court awards or settlements' he shall be required to make reimbursement for the amount of aid furnished during the previous two years.

The GA applicant or member of the GA household who is also an SSI applicant must sign a Recovery of General Assistance Agreement (DSW-230B) which authorizes SSA to send the initial check to this department so that the amount of General Assistance received can be deducted. The deduction will be made regardless of the amount of the initial SSI check. Any remainder due the SSI recipient shall be forwarded to him or her within 10 days. The deduction shall be made for General Assistance issued during the period from the first day of eligibility for SSI to the date the initial SSI check is received by the department. . .

Although in this case it appears that the petitioner's refusal to sign the SSI recovery agreement is probably due to his mental impairment⁽¹⁾, there is no question under the above regulation that signing the agreement is a prerequisite to the receipt of GA. Therefore, the Board is bound by law to affirm the Department's decision. 3 V.S.A. 3091(d) and Fair Hearing Rule No. 19.

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1. The petitioner's diagnosis from the VA includes "paranoid delusions" and "insight and judgement...psychotically impaired".