

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 13,914

)

Appeal of )

INTRODUCTION

The petitioner appeals the decisions by the Department of Social Welfare denying her application for general assistance (GA) benefits to reimburse her for money she borrowed to purchase a prescription medication and refusing to pay her GA rent allowance to her boyfriend instead of as a voucher to her landlord. The issue is whether the applicable regulations require the Department to take either action.

FINDINGS OF FACT

The facts are not in dispute. In August, 1995, the petitioner underwent open heart surgery. Since her release from the hospital she has received GA for rent and personal needs.

Upon her release from the hospital the petitioner was given a prescription for pain medication. When the prescription ran out her doctor declined to renew it. On the evening of September 19, 1995, the petitioner found herself in considerable pain. She went to another doctor who wrote her a new prescription for the medication she had previously been prescribed.

The petitioner maintains that the doctor did not have any samples to give her overnight until she could apply for GA the next morning, and that the pharmacy would not give her one night's worth until the next day. Thus, that night she had to borrow the money for the prescription (\$12.00) from her boyfriend.

The next day, the petitioner applied for GA to reimburse her boyfriend for the prescription. The Department denied the application because the petitioner was not facing an emergency medical need at that time.

The petitioner has also requested that the Department issue her next month's GA rent payment to her boyfriend instead of as a voucher to her landlord because she borrowed \$200 from her boyfriend to pay her August rent. The petitioner maintains that the maximum GA rent payment of \$232<sup>(1)</sup> is not sufficient to pay her entire rent, and that she relies on some area churches and other charitable organizations to make up the difference. However, except for one \$35 payment, these organizations will not give her money to pay back her boyfriend. (The petitioner did not explain how she would pay her rent if part of her GA payment went to her boyfriend.)

ORDER

The Department's decision is affirmed.

REASONS

Welfare Assistance Manual (W.A.M.) §§ 2620 and 2625 provide that to be eligible for GA payment of pharmacy services the applicant must be facing a "catastrophic situation" defined by W.A.M. § 2602 as follows:

Any applicant who has an emergency need attributable to one of the following catastrophic situations may have that need met within General Assistance benefit standards. Payment maximums as specified in sections 2611 through 2626 apply to these needs. Eligibility criteria are as follows:

The income test at 2600 C.1 is not applicable.

All available income and resources must be exhausted. The resource exclusion at 2600 C. 5. b. does not apply if an individual qualifies only under catastrophic rules.

Alternatives must be explored (for example, private and community resources, family, credit). . . .

In this case, the petitioner had already purchased the prescription before she applied for GA. Although it is possible that she would have been found eligible for GA if she had applied for it before purchasing the prescription, the above regulations clearly require that an applicant be facing an actual emergency at the time of application. It is not the intent of the GA regulations to, in effect, "reimburse" individuals who (albeit, to their credit) have already resolved an emergency on their own--even if they have incurred a debt in doing so. See W.A.M. § 2600A. The petitioner also presented no argument that the Department's policy of paying all GA housing payments in the form of vouchers to the recipient's landlord is contrary to the regulations. Again, there is nothing in the regulations that requires the Department to issue GA for "reimbursement" for a recipient's debts--even if that debt was incurred to meet an emergency need that existed at the time.

Inasmuch as the Department's decisions in this matter are in accord with the pertinent regulations they must be affirmed. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

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1. See Welfare Assistance Manual § 2613.1.