

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 14,713

)

Appeal of )

)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying her application for supplemental fuel benefits. The issue is whether the petitioner's landlord qualifies as a certified fuel dealer within the meaning of the pertinent regulations.

FINDINGS OF FACT

The essential facts in this matter are not in dispute. The petitioner is a student at the University of Vermont and resides in student housing owned by the University. Heat is not included in her rent but the University buys fuel in bulk and sells it to its tenants at a substantial discount. The petitioner buys her fuel from the University in this manner.

The Department denied the petitioner's application for supplemental fuel assistance because the University is not a certified fuel dealer for the state's fuel program. When the petitioner applied for benefits the Department informed her and the University that she could be found eligible if the University would agree to add the petitioner's name to the fuel account the University has with its fuel dealer. Apparently, however, the University felt this was impractical.

The Department also offered the petitioner the option to find her eligible if she were to purchase her fuel directly from a regular fuel dealer. The petitioner declined this option because she felt it would be wasteful to have the Department incur higher fuel costs just to qualify for fuel assistance.

The Department also spoke with the University about becoming a certified fuel dealer under the Department's regulations, but it became apparent that the University could not meet the Department's requirements in this regard. The petitioner's argument appears to be that the Department's refusal to make an "exception" to its regulations in the petitioner's case violates the spirit, if not the letter, of the supplemental fuel program.

ORDER

The Department's decision is affirmed.

## REASONS

W.A.M. § 2907.1 provides that supplemental fuel assistance benefits shall only be paid in the form of a line of credit established by the Department with a household's fuel dealer "provided that the supplier has been certified..." As noted above, the University of Vermont is not a certified fuel dealer under the Department's regulations.

Although it is arguable from a policy standpoint that this case should warrant an exception to the Department's regulations requiring fuel providers to be certified fuel dealers, it cannot be concluded that the Department's decision in this matter in any way violates the statutes or regulations governing the program. In fact, the parties' written submissions show that both the Department and the University offered the petitioner a means to become eligible for the program without incurring any higher fuel costs herself. Although the petitioner may have had good reasons to decline that option, it can't be concluded that the Department was under any obligation to do more to find a way to make her eligible to receive a line of credit under the program. Therefore, the Board is bound by law to affirm the Department's decision. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

# # #