

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,846

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying payment through Reach Up for books for college courses she is taking. The preliminary issue is whether the petitioner has already received the relief she was seeking.

FINDINGS OF FACT

The petitioner requested a hearing on February 6, 1997, after the Department had denied her payment through Reach Up for college textbooks. After filing the appeal the petitioner applied to the local community action agency for help; and they paid for her books in full.

At the fair hearing, held on April 11, 1997, a social worker at the community action agency that had purchased the books informed the hearing officer that the petitioner did not owe the agency any money as a result of the agency buying her books. To the hearing officer's knowledge the agency has not made a formal request or application to the Department for reimbursement of this money.

ORDER

The petitioner's appeal is dismissed.

REASONS

Inasmuch as the petitioner has received from another source the services for which she applied to the Department, and presently owes no money to anyone for that service, she has no ongoing grievance with the Department and there is no "appropriate relief" the Board can offer her at this time. See 3 V.S.A. § 3091(d). The Community Action Agency is not an "applicant for or recipient of assistance" from the Department and, therefore, has no legal standing to itself file an appeal with the Board. ⁽¹⁾ 3 V.S.A. § 3091(a). For these reasons, the petitioner's appeal in this matter is dismissed.

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1. If the agency wishes to pursue this issue, it can advise the next person who comes to it for help after being denied college textbooks under Reach Up to appeal the Department's decision before the agency decides to purchase the books for that person. It is also possible that the agency has standing to file a request for a declaratory ruling from the Department pursuant to 3 V.S.A. § 808.