

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,016
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of PATH denying her application for General Assistance (GA). The issue is whether the petitioner was eligible for GA and whether she had an emergency need.

FINDINGS OF FACT

1. The petitioner is a single woman without dependents. Her income is \$200 a month in spousal maintenance payments.
2. The petitioner applied for GA on March 30, 2001 for housing and prescriptions claiming that she was being evicted. At the time she had a statement from her doctor saying that she would be unable to work for two weeks following some surgery she had had on April 25, 2001.
3. The petitioner was living with a roommate and had received a notice to vacate her apartment by March 31. However, as of the time of her application for GA, and continuing through the hearing in this matter on May 3, 2001, the landlord had not instituted eviction proceedings.

4. The Department granted the petitioner GA for her prescription, but it denied her application for housing. The Department also confirmed that even if the petitioner was facing an immediate eviction there was room for her at the local homeless shelter.

ORDER

The Department's decision is affirmed.

REASONS

As an adult without minor dependents the petitioner qualifies for GA only if she can show that she is not "able-bodied" or is facing a "catastrophic situation". WAM § 2601 defines not able-bodied as being unable to work for a period of at least 30 days. As noted above, the petitioner's doctor certified only that she was only disabled for two weeks.

WAM § 2602 defines "catastrophic situation" as an emergency need attributable to one of four causes: death of a spouse or child, a court-ordered or constructive eviction, a natural disaster, or an emergency medical need. As noted above, the Department granted GA to the petitioner for prescription drugs. However, it determined that the petitioner was not facing a court-ordered eviction.

Further, the Department determined that even if the petitioner was facing an imminent eviction, space was available for her in the local homeless shelter. WAM § 2613.2 provides that temporary housing is available under GA only where "alternative arrangements are not immediately available". The Board has repeatedly held that the availability of a homeless shelter constitutes an alternative housing arrangement unless the applicant can show that the shelter in question is not suitable as a matter of health or for some other compelling personal reason.

In this case, the Department's denial of GA for temporary housing appears to have been fully in accord with the pertinent regulations. Therefore, the Board is bound by law to affirm that decision. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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