

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 17,074  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals the decision by the Department of PATH denying his application for General Assistance (GA). The issue is whether the petitioner is eligible for GA as being not able-bodied.

FINDINGS OF FACT

1. The petitioner is a single man without dependents. He last worked in September 2000. He states that he has applied for disability benefits.

2. On April 30, 2001 the petitioner applied for GA for personal needs and expenses. He did not claim to be without housing or to be facing a medical emergency. The Department denied his application but provided him with a form to take to his doctor to verify his claim that he was unable to work. The petitioner appealed that decision.

3. At the hearing in this matter, held on June 7, 2001, the petitioner presented a form dated May 3, 2001 on which a physician assistant (PA) indicated that the petitioner did not

have any illness or physical or mental condition that would justify exempting him from work or training. The PA also checked on the form that the petitioner was not currently under treatment for any medical condition. It was indicated, however, that the petitioner had suffered an injury in 1998 and that the injury would last from "2-4 weeks".

4. At the hearing the petitioner indicated that he had an appointment with his family doctor on July 23, 2001. He is again advised to reapply for GA if his doctor indicates that he is unable to work.

ORDER

The Department's decision is affirmed.

REASONS

As an adult without minor dependents the petitioner qualifies for GA only if he can show that he 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, there is no medical evidence that the petitioner is currently unable to work or that he is, or recently has been, suffering from any illness or injury likely to last 30 days.

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 petitioner did not indicate that he was facing any of those situations.

In light of the above, the Department's denial of GA 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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