

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,227
)
Appeal of)

INTRODUCTION

The petitioner appeals alleged actions by various departments of the Agency of Human Services (SRS, Vocational Rehabilitation, and PATH) which she claims have demeaned her and her family.

FINDINGS OF FACT

1. The petitioner lives in Rutland with her sixteen-year-old son. They are of African-American descent and the petitioner feels that they have been discriminated against within the community. The petitioner receives SSI disability payments and her son receives RUFA benefits. They also have Medicaid benefits and the petitioner has been a client of Vocational Rehabilitation. The petitioner has been involved with SRS in a family court matter relating to her child who was placed in foster care for some period of time due to brushes with the law (drug and alcohol abuse) and truancy.

2. The petitioner claims that her family has been "bounced around" by SRS social workers who do not appreciate

her black culture and who have wrongfully accused her of abuse. She objects to the fact that he was sent to counseling and placed in a stranger's home for a time. She protests what she calls the biased attitude of social workers whose actions have caused her stress and depression. She continues to suffer because she does not want to take "mental people" drugs and be treated like a "laboratory rat".

3. The petitioner also complains that she was treated badly by PATH workers when she tried to get emergency assistance to help with an eviction problem. She says that her landlord was "hassling" her about her race and no one at the agency told her about legal aid or the Human Rights Commission. She admits, however, that she did go to the Human Rights Commission about the landlord although she has not gone to the Human Rights Commission about any persons who work for the Agency of Human Services. She does not feel that the Human Rights Commission can do anything for her and that she will be "retaliated against" if she files a complaint.

4. The petitioner also complains that the Vocational Rehabilitation Department has not been of any use to her because she cannot get anyone to hire her in Rutland. She states that she is strong and intelligent but has not been able to get anyone to hire her because of her SSI payments

which make people think she is "messed up". She claims that she has been labeled a "mental cripple" by the Department of Vocational Rehabilitation.

5. In general, she complains that she and her child have been harassed and targeted as undesirables and that there is a conspiracy in the agency and the town to oppress her because of her race.

6. The petitioner could not name any assistance, benefit or service she has requested from the Department that she has not received nor could she name any policy or decision of the Department with which she disagrees with. Her complaint is that there is a general attitude of prejudice and persecution directed against her by agency staff based on her race.

ORDER

The petitioner's appeal is dismissed as she has not stated any ground upon which the Board can give her relief.

REASONS

The jurisdiction of the Human Services Board to hear cases is defined by statute as follows:

Hearings

- (a) An applicant for or a recipient of assistance, benefits or social services from the department of social and rehabilitation services, the department of social welfare, the office of economic opportunity, the department of aging and disabilities, the office of child support, or an applicant for a license from one of those departments or offices, or a licensee, may file a request for a fair hearing with the human services board. An opportunity for a fair hearing will be granted to any individual requesting a hearing because his or her claim for assistance, benefits or services is denied, or in not acted upon with reasonable promptness; or because the individual is aggrieved by agency policy as it affects his or her situation.

3 V.S.A. § 3091

The petitioner's appeal does not involve the denial of any specific assistance, benefit or service that any department of the agency is required to provide to her. Neither does the petitioner have a grievance against any adopted policy of any department. As such, there is no claim presented that the Board can hear and no relief which it can offer to the petitioner.¹

¹ Many of the incidents mentioned generally in the current appeal arose from prior grievances against various departments of the Agency that were previously brought before the Human Services Board by the petitioner. See Fair Hearing #15,598 (Reach Up appeal, Department reversed January 15, 1999); #15,824 (ANFC appeal, withdrawn in the Department's favor, April 15, 1999); #16,024 (Emergency Assistance with housing appeal, Department affirmed October 1, 1999); #16,105 (Food Stamp appeal, Department affirmed November 29, 1999); #16,430 (Food Stamp appeal, dismissed on June 15, 2000); #16,371 (Vocational Rehabilitation appeal, withdrawn in the Department's favor, May 15, 2000); #16,608 (ANFC/Food Stamp appeal, Department affirmed January 3, 2000); and 16,271 (Food Stamp appeal, withdrawn in Department's favor, January 25, 2000).

The petitioner has been advised in the past, and is advised again, that any complaints that she has regarding the attitude or behavior of any state employee must be handled either through the filing of a complaint with the Human Rights Commission or through the filing of a personnel complaint to any of the department commissioners. Forms for filing complaints are available in the local district offices. Complaints that the petitioner may have against SRS with regard to its actions in a juvenile proceeding concerning her child are exclusively within the jurisdiction of the family court. 33 V.S.A. § 5503. She must go to that court to seek relief, not to the Human Services Board. Because there is no relief the Board can offer the petitioner, her appeal must be dismissed.

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