

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 17,284  
 )  
Appeal of )

INTRODUCTION

The petitioner has filed an appeal with the Human Services Board following the Department of PATH's failure to respond to her request for a new Reach Up worker. The issue is whether the Board has jurisdiction to consider the petitioner's request.

DISCUSSION

The petitioner's grievance concerns the Department's alleged failure to appropriately and timely respond to her complaints about her Reach Up case manager and her request that the Department assign a new worker to her case. The petitioner alleges that based on past experience her current Reach Up worker is "not capable of performing quality service for me". The Board has consistently declined, however, to involve itself in disputes regarding the individual conduct and competence of any agency personnel. See e.g., Fair Hearing Nos. 13,063 and 12,994.

The Board's statutory function is to review "decisions of the agency" that affect an aggrieved individual's receipt of

assistance or services from the agency, and to order "appropriate relief" when such decisions or policies are found to be contrary to law. 3 V.S.A. § 3091(d). The issues concerning decisions of the Department in the petitioner's case are presently being addressed in pending Fair Hearing No. 17,318. The hearing officer and the Board will review those decisions and determine whether they are contrary to applicable law and policy. To the extent that the actions of an individual caseworker are found to bear upon any decision made by the Department regarding the petitioner's eligibility for or receipt of any benefits, the Board can take this into consideration in ordering the award or restoration of any benefits the petitioner claims are due her.

In the meantime the petitioner is free to pursue her complaints against any individual employee of the Department through the office of the Commissioner of Department of PATH. As a matter of law, however, it is not "appropriate" for the board to consider and rule upon issues that are essentially personnel matters of the Department.

ORDER

The Board declines jurisdiction over and consideration of the petitioner's request for a different caseworker.

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