

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,075
)
Appeal of)

ORDER ON MOTION TO REOPEN

Following the Board's meeting and consideration of the above case on January 29, 2003, the petitioner filed a written request for "continuance of hearing." As the Board had already made a decision in this case which appeared as a written order on February 3, 2003, the hearing officer treated the request as a motion to reopen. The petitioner was heard on this motion on February 12, 2003 at which time he alleged that he did not feel that he had made his case clear before the Board. The petitioner stated that he wished to bring before the Board proof that he had actually spent more than \$350,000 on his father's care and to make further argument that PATH was acting irrationally in not reimbursing him for this care because it would force himself and/or other members of his family to rely on public assistance in the future. At that time, PATH reiterated what the Board said in its order, that the petitioner's resource was to his father's estate and added that PATH had provisions for waiving its interest in any estate if the family had provided care to the father. As the

petitioner made or could have made these arguments at the prior hearing and as they would make no difference in the outcome of the matter, the Board denies the petitioner's request to reopen this matter. His further recourse is appeal to the Vermont Supreme Court.

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