



unemployment compensation she must certify to the Department of Employment and Training that she is able to and available for work each week for which she claims benefits.

4. Based on the above information the Department denied her application for GA because she has not shown that she is not "able-bodied".

ORDER

The Department's decision is affirmed.

REASONS

A person without dependents who is under fifty-five years of age, who has more than an eighth grade education, and who has been working regularly can only receive general assistance benefits to meet emergency needs<sup>1</sup> if he or she is not "able-bodied." W.A.M. 2600 (B). "Able-bodied" is defined in the regulations as follows:

No physical or mental impairment exists which prevents the person from working. A person shall not be considered able-bodied if currently unable to work in any type of employment due to physical or emotional problems that have lasted or presumably will last at least 30 days. This eligibility factor must be verified by a signed statement from a physician or licensed practitioner whose services would be covered under Medicaid were the GA applicant a Medicaid recipient. The

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<sup>1</sup> There are other requirements in the regulations if the applicant is facing a "catastrophic" situation. See W.A.M. 2602.

Department shall pay the reasonable expense of required medical examinations but may require, and pay for a second opinion.

W.A.M. § 2601

As noted above, the petitioner admits that she can perform (and, in fact, currently is performing) sedentary work, such as driving, on at least a part-time basis.

Also problematic in terms of her eligibility for GA is the fact that the petitioner is currently receiving unemployment compensation. A condition of qualifying for unemployment benefits is that an applicant be "able to work". 21 V.S.A. § 1343(a)(3).

If the petitioner can produce medical evidence that she is disabled from all work (which might jeopardize her eligibility for unemployment benefits) she can reapply for GA.<sup>2</sup>

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<sup>2</sup> At the hearing the hearing officer mistakenly told the petitioner that her housemate's income and resources would also be considered in any GA application. This is not so (see W.A.M. § 2601) but the petitioner, herself, must still demonstrate that she is not able-bodied.