

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,500
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) terminating her eligibility for VHAP. The issue is whether the petitioner's status as a sixth-year doctorate pharmacology student renders her ineligible under the pertinent program regulations.

FINDINGS OF FACT

1. The petitioner is a young woman enrolled full time as a sixth-year doctoral pharmacology student. Her program presently consists of full-time internships at various locations, or "rotations". She is not paid for these internships, which at this stage of her training are in lieu of classwork.

2. In addition to her studies the petitioner has an unrelated part-time job seven to eight hours a week. In a decision dated May 12, 2003 the Department denied the

petitioner's application for VHAP based on her status as a graduate student.

3. The petitioner admits that she is a full-time graduate student, has no dependents, is not disabled, and that she is not enrolled in a traditional work-study or government-sponsored training program. She argues, however, that her activities as an unpaid intern should be considered the equivalent of work-study.

ORDER

The Department's decision is affirmed.

REASONS

The regulations under VHAP regarding student status are reproduced as follows.

As noted above, the petitioner concedes that she does not meet any of the exemptions under section (a) or conditions under section (b) of the above regulation. Although there may be some merit as a matter of policy to her argument that doctoral internships should be considered the same as traditional work study, it certainly cannot be concluded that such an interpretation of the above regulations is required as a matter of due process. Inasmuch as the petitioner does not meet the above criteria for eligibility as it is written, the Department's decision in this matter must be affirmed. 3
V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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