

petitioner's grievance remains the nature of certain "services" offered by her community mental health agency and the petitioner's problems with certain personnel employed by that agency. In particular, the petitioner cited the agency's alleged refusal to allow her to work on that agency's newsletters and surveys and her contention that some individuals in that agency have not followed through on prior agreements that have been made with her. However, the petitioner was unable to cite any failing of any *state* agency, including the departments of Developmental and Mental Health Services (DDMHS) and Aging and Independent Living (DAIL), to act in accordance with any of *their* policies or procedures.

The parties agree that the local community mental health service in question operates under the aegis of DDMHS. Although it appears that the Board has jurisdiction under 18 V.S.A. § 8727(b) to hear appeals involving DDMHS and any "agency or program funded by the department", the statute specifies that such appeals are limited to decisions "to deny or terminate eligibility for services; to deny terminate, suspend or reduce service; or when a request is not acted upon promptly." The statute prevents the Board from reversing or modifying a decision by DDMHS "that is

consistent with the system of care plan and the rules of the department" unless such a decision "is in conflict with state or federal law". Similar constraints govern the Board's review of decisions by DAIL under 3 V.S.A. § 3091.

In this case, despite having been allowed over a year in which to frame her argument, the petitioner has not identified any *law or policy* that either DDMHS, DAIL, or the local community mental health agency has violated. The hearing officer is aware that both state departments and the local mental health agency have nonetheless met several times with the petitioner in attempts to settle the matter. Unfortunately, the petitioner is still dissatisfied with some of the local agency's actions and employees, but she is unable to point to any law or policy that either *state* agency has failed to follow or enforce in their attempts to bring a resolution to her problems.

The Board assumes that the parties, including the local community health agency, will act in good faith (as they are required by law to do) in continuing to attempt to resolve the petitioner's issues. However, inasmuch as the petitioner has not identified an issue of law or fact that the Board has

jurisdiction to consider at this time, her appeal must be dismissed.

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