

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,834
)
Appeal of)
)

INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) denying his application for General Assistance (GA) benefits. The issue is whether the petitioner is facing a "catastrophic situation" as defined by the pertinent regulations.

FINDINGS OF FACT

1. The petitioner is a single man who receives Social Security disability benefits of \$902 a month. Presently he lives with his parents, but he also receives Food Stamps as a separate household based on his disability. He also receives Vermont Health Access Program (VHAP) pharmacy benefits.

2. The petitioner has made several applications for GA because he "continuously runs out of money at the end of each month". The Department has denied these applications because it did not find that the petitioner was facing a catastrophic situation as defined in the regulations.

3. At hearings held on February 3 and March 9, 2004, the petitioner alleged that he cannot afford the copayments and VHAP program fees for his prescriptions. The hearings were complicated by the petitioner's inability to succinctly describe his situation and to frame his specific grievance against the Department of PATH.¹ He has not alleged or shown either that his alleged inability to promptly obtain any specific pharmacy item has been injurious to his health or that he cannot be expected to pay his copayments and program fees with a reasonable reordering of the ways he spends his income each month.²

ORDER

The Department's decision is affirmed.

REASONS

The General Assistance regulations provide that households with income in excess of the Reach Up Financial

¹ The petitioner alluded to problems he was having with his "ticket to work representative" (which may be related to the Department of Vocational Rehabilitation) and an "Air Force Appointment", neither of which appeared to be related to his eligibility for GA.

² Given the petitioner's allegations of lack of sufficient income and his history of repeated dealings with the Department in this regard, it may be incumbent on the Department to contact the Social Security Administration regarding the advisability of appointing a representative payee for the petitioner.

Assistance (RUFA) maximum can only receive additional financial assistance if they are experiencing a "catastrophic situation". See W.A.M. 2600 *et. seq.* The petitioner's income is well in excess of the RUFA payment level for a one-person household. W.A.M. §§ 2244-2249. The GA regulations define a catastrophic situation in the context of an emergency medical need as " . . . a medical condition characterized by acute symptoms of sufficient severity (such that) a layperson . . . could reasonably expect the absence of medical attention to result in . . . serious jeopardy to the health of the participant . . ."

As noted above, the petitioner's allegations in this matter do not indicate that he has ever faced the kind of medical emergency contemplated by the above regulations. Thus, it must be concluded that the requirements to qualify for cash assistance under the catastrophic situation provisions of GA have not been met.

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