

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 19,015  
 )  
Appeal of )  
 )

INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) refusing to rescind a written agreement the petitioner made, as a condition of receiving General Assistance (GA), that the Department would be reimbursed from any retroactive award of SSI benefits the petitioner might receive in the future. The following facts are not in dispute.

FINDINGS OF FACT

1. The petitioner has received GA benefits on the basis of disability for several years. For much of this time he has also been in the process of applying for, or appealing the denial of, SSI benefits from the Social Security Administration.

2. As a condition of his receiving GA, the Department has periodically required the petitioner to sign a **Recovery of General Assistance Agreement** whereby the petitioner has authorized the Social Security Administration to send any

initial SSI check to the Department so that the Department can reimburse itself for any GA it has paid the petitioner during any months for which the petitioner receives a retroactive SSI payment. The last such agreement signed by the petitioner was in October 2003 and is valid for a year.

3. The petitioner has requested that he be "released" from the agreement presently in effect. He does not make any legal argument, but maintains that he performs unreimbursed community service work that the Department should consider sufficient to repay GA instead of any retroactive SSI benefits.

ORDER

The Department's decision is affirmed.

REASONS

Federal regulations specifically allow states to require recipients of basic cash assistance to agree to reimburse the state for any such assistance paid during the pendency of an application for SSI if the recipient subsequently receives retroactive SSI benefits for the same period. See 20 C.F.R. § 416, Subpart P. The Vermont regulation pertaining to such reimbursements is W.A.M. § 2600D, which provides as follows:

General Assistance shall be furnished with the understanding that when a recipient subsequently acquires benefits or resources in any amount from: an inheritance; case prize; sale of property; retroactive lump sum Social Security, Veterans or Railroad Retirement benefits; or court awards or settlements; he/she shall be required to make reimbursement for the amount of aid furnished during the pervious two years.

SSI Applicants

The GA applicant or GA household member who has a pending SSI application, or who is being referred by the Department to the Social Security Administration (SSA) to apply for SSI, must sign a Recovery of General Assistance Agreement which authorizes SSA to send the initial check to this Department so that the amount of GA received can be deducted. The deduction will be made regardless of the amount of the initial SSI check. The deduction shall be made for GA issued during the period form the first day of eligibility for SSI, or the day the Recovery of General Assistance Agreement is signed if later, to the date the initial SSI check is received by the Department.

When the SSI grant does not include all members of the GA household, the deduction shall be for a prorated portion of GA granted, to reflect only those included in the SSI grant.

Any remainder due to the SSI recipient shall be sent to him/her by the Department within 10 days. An exception to this provision applies to individuals whose SSI is based on drug addiction or alcoholism (DA&A). After SSI is granted and SSA has reimbursed Vermont for GA received, SSA will pay the remainder due to the SSI recipient to his/her representative payee.

In this case there is no dispute that the Department has followed the above regulation in requiring the petitioner to sign SSI reimbursement agreements. There is also no dispute that there are no exceptions in the regulations regarding who

is required to sign such agreements. Thus, the Board is required to affirm the Department's decision in this matter not to "release" the petitioner from the agreement he signed in October 2003. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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