

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 19,100  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals to the Board to dismiss nine different workers at OCS for incompetence. OCS has moved to dismiss this matter for lack of jurisdiction.

FINDINGS OF FACT

The petitioner has asked both the Director of OCS and the Governor of the State to dismiss nine different employees of OCS on the grounds that they have failed to do their jobs. Receiving no satisfaction in those quarters, the petitioner now seeks to have them removed from their employment by the Board.

ORDER

OCS' motion to dismiss this matter is granted.

REASONS

The Board has only the authority to act that is given to it by statute at 3 V.S.A. § 3091. The Board is empowered to hear appeals of recipients and applicants of benefits and recipients and applicants for licenses from the various state

agencies, including OCS. It has the power to reverse or modify departmental decisions with regard to benefits, services and licenses. However, it does not have the authority to hire and fire personnel of any state agency. Because the Board can neither consider the petitioner's appeal nor seek the relief he asks, this matter must be dismissed as outside the jurisdiction of the Board.

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