

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 19,135
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Children and Families Economic Services (DCF) denying her request for Reach Up support services for repairing her car. The issue is whether the petitioner's lack of participation in certain aspects of the Reach Up program precludes her qualifying for support services.

FINDINGS OF FACT

1. The petitioner is a recipient of Reach Up Financial Assistance (RUFA). As a condition of qualifying for those benefits the petitioner is required to participate in Reach Up activities, the goal of which is employment (see *infra*).

2. The petitioner recently requested that Reach Up provide her with additional financial assistance to make necessary repairs to her car. The Department denied this request because of its determination that the petitioner's current Family Development Plan (FDP) through Reach Up does not include car repairs.

3. At the hearing in this matter (held on August 10, 2004) the petitioner did not dispute the Department's representation that she has failed to follow through on the direction of Reach Up that she initiate a job search and training activities through Vocational Rehabilitation.

4. The Department has indicated that it has not made any decision as to whether the petitioner may *eventually* qualify for Reach Up support services, including car repairs. Its position, however, is that unless and until the petitioner is successfully participating in Reach Up activities, she cannot qualify for Reach Up support services.

5. Although expressing an opinion that Reach Up has not been helpful to her, at the hearing the petitioner did not offer any specific reasons why she has not followed through with the initial stages of her FDP. There is no indication or allegation on the petitioner's part that her car problems have caused her to be *unable* to participate in any of the Reach Up activities presently expected of her.

ORDER

The Department's decision is affirmed.

REASONS

As a condition of receiving RUFA benefits recipients are required, unless specifically exempted, to participate in the Reach Up "Services Component". W.A.M. § 2340. Participation in Reach Up includes the creation of an individualized Family Development Plan (FDP), the goal of which is the recipient's employment. §§ 2361-2362. Individuals who are successfully participating in Reach Up may then be eligible for certain "support services". § 2351. Those services can include childcare and transportation needs, including car repairs. See § 2351.3. However, the regulations are clear that the provision of any support service must be "linked to the family members' accomplishment of their FDP requirements and their employment goal." § 2351.1.

In this case the petitioner does not specifically dispute the Department's position that she has not followed through on certain provisions and goals of her FDP, specifically, participating in a job search through the offices of Vocational Rehabilitation. Nonetheless, the petitioner's position appears to be that her participation in Reach Up should be *contingent* on that program providing her with funds to fix her car. However, absent any claim or showing that her present participation in Reach Up *depends* on her having a

running car, such a position is clearly untenable under the above regulations.

From the petitioner's demeanor at the hearing, there appear to be other impediments to her ability to successfully participate in Reach Up at this time (if not to her ultimate employability). By not imposing a sanction on the petitioner's assistance grant the Department appears to have concluded that these impediments, rather than any culpably willful non-cooperation on the petitioner's part, are probably the main barrier to her successful participation in Reach Up. (See §§ 2365 and 2370.) This notwithstanding, there is no question that the petitioner's life would be easier if she had a running car. Unfortunately however, under the above regulations, Reach Up support services are only available to individuals who are satisfactorily meeting the requirements of participation in the program. Unless and until the petitioner does so, she does not qualify for this, or any other, Reach Up support service.

Inasmuch as the Department's decision in this matter is in accord with the pertinent regulations the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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