

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 19,361
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families Economic Services imposing a sanction on her Reach Up Financial Assistance (RUFA) benefits. The issue is whether the petitioner is participating in Reach Up within the meaning of the pertinent regulations.

FINDINGS OF FACT

1. On October 21, 2004 the Department notified the petitioner that effective November 1, 2004 it was imposing a sanction on the petitioner's RUFA grant of \$150 a month due to her failure to verify good cause in not attending a scheduled meeting at the Department of Employment and Training on October 21, 2004.

2. At the hearing in this matter (held on January 21, 2004) the petitioner admitted that she did not attend the scheduled meeting in question and did not call Reach Up to cancel and reschedule it.

3. However, on October 15, 2004, she called her worker and alleged that she had forgotten about the meeting due to medication she was taking. Her worker told her to provide a statement from her doctor that the medication could have caused her to forget about the meeting.

4. On or about October 18, 2004 the petitioner provided her Reach Up worker with the following note from her doctor:

Please excuse (petitioner) from her appointment on 10/8 for medical reasons and she had a Dr.'s appointment 10/18/04.

5. At that time, the worker advised the petitioner that she would need to furnish more detail from the doctor regarding her medications and her medical ability to have either attended the meeting or to have called her caseworker on October 8. To date, including at least two continuances of this hearing granted at the petitioner's request, the petitioner has not provided any further information or verification regarding her medical status on October 8.

6. The petitioner has not alleged that she has any difficulty meeting and communicating with her doctor or obtaining medical statements and verification.

7. In light of the foregoing, it is found that the above note from her doctor provided by the petitioner is too brief and cryptic to conclude that the petitioner had a

credible medical reason to have missed her scheduled meeting on October 8, 2004 and to have failed to notify Reach Up in a timely manner of her absence. ¹

ORDER

The Department's decision is affirmed.

REASONS

The Reach Up regulations provide: "If a participating adult . . . fails to comply with services component requirements, the department shall impose a fiscal sanction by reducing the financial assistance grant of the sanctioned adult's family." The regulations also specify that noncompliance can include the failure "to attend and participate fully in FDP activities". W.A.M. § 2370.1.

As noted above, the petitioner in this matter admits that she failed to attend a scheduled meeting with Reach Up

¹ The petitioner's RUFA grant has been continued without any sanction while this fair hearing has been pending. At the hearing on January 21, 2005, the petitioner was advised that under the regulations she could resume her participation in Reach Up at any time and have the sanction lifted after two weeks if her participation is deemed satisfactory. Therefore, assuming the petitioner is willing to cooperate with Reach Up at this time, it is likely that even if the Board affirms the Department's decision in this matter, the petitioner will not suffer any reduction in her RUFA benefits. The petitioner was advised that if the Department subsequently determines that the petitioner is liable for an overpayment of RUFA benefits because of the continuation of her grant pending this fair hearing, the petitioner could still attempt to obtain further medical evidence regarding the meeting she missed on October 8, 2004.

on October 8, 2004, and that since that time she has failed to participate in any Reach Up activities. Although the petitioner maintains that she had a medical reason to miss the October 8 meeting, it cannot be concluded that she has verified this fact through clear and credible evidence, despite having been given ample time and opportunity to do so. Inasmuch as it must be concluded that the Department's decision in this matter was in accord with its regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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