

a key document in her application. The petitioner agreed, in writing, to this plan.

3. Pursuant to the FDP, the petitioner attended three counseling sessions on August 12, August 19 and September 16, 2004. She attended no more sessions following that.

4. When the petitioner's failure to attend counseling came to the attention of her VR worker, an attempt was made to set up a meeting to conciliate the matter. The petitioner failed to attend an appointment set up for her on December 8, 2004 due to a lack of transportation. VR set up a new appointment for her on December 29, 2004 and arranged transportation for her but she still failed to attend the meeting. The petitioner claimed that she never got the notices.

5. VR closed the petitioner's case for non-cooperation and sent it back to DCF for case management.

6. On January 3, 2005, DCF sent the petitioner a notice saying that her Reach Up benefits would be sanctioned by \$75 per month beginning February 1, 2005, because she failed to comply with the Reach Up requirements set up by VR. She was told to come in for a meeting to discuss the sanction on February 3, 2005 and that the sanction could be removed by cooperating for two weeks.

7. The petitioner appealed that proposed sanction and the sanction was suspended pending a hearing. A pre-hearing status conference was held with regard to the case on February 3, 2005, in lieu of her sanction meeting which was scheduled the same day. The petitioner reported that she had applied for Social Security on January 19, 2005. The petitioner agreed that the counseling sessions were appropriate for her and said that she was willing to attend regularly but had not had an adequate opportunity to do so. The matter was adjourned until March 10, 2005 to allow the petitioner to begin attending regular counseling sessions.

8. The hearing resumed on March 10, 2005, at which time DCF asserted that the petitioner was still not attending weekly counseling sessions. The petitioner had attended two counseling sessions on February 8, 2005 and February 15, 2005. However, she "forgot" to attend a session scheduled for February 22, 2005. She did not attend a session scheduled for March 1, 2005 due to a snowstorm but was offered alternate times that week on which she could reschedule. However, the petitioner did not call to reschedule any further appointments that week because she had "other things happening in her life." She did not schedule an appointment for the following week either. During the

interim between the status conference and the hearing, the petitioner had attended only two out of the expected five sessions.

9. The petitioner claimed that she had trouble remembering to attend and schedule appointments because of new medication she was taking. The petitioner was allowed until March 24, 2005 to submit a statement from her physician confirming her statement. The petitioner did not submit such a statement by that date or even by the date of this recommendation. Therefore, her claim cannot be credited.

10. Based on the above evidence, the petitioner is found to have failed to cooperate with her Family Development Plan for a period of over six months without good cause by failing to attend weekly mental health counseling.

ORDER

The decision of DCF to sanction the petitioner's Reach Up grant is affirmed.

REASONS

DCF's rules require the agency (or its subcontractors) to prepare a Family Development Plan for Reach Up recipients and requires recipients to "attend and participate fully in FDP activities" unless there is good cause for not doing so.

W.A.M. §§ 2361, 2361.2, 2362.1 and 2370. Failure to attend and participate fully in FDP activities amounts to "de facto" refusal and triggers the conciliation process. W.A.M. § 2370.11. Failure of the conciliation process to obtain cooperation results in a sanction of \$75 per month for the first four months which can be cured by cooperating fully with activities for two weeks. W.A.M. 2372.2, 2373.1.

The petitioner in this matter was given ample opportunity over a six month period to comply with her agreed to FDP by attending weekly mental health counseling sessions. The petitioner has attended only two sessions in the last six months without an adequate explanation for her failure. Under its regulations, DCF is required to place sanctions on the petitioner's grant until she complies with her counseling requirements. As DCF has followed its regulations, the Board is bound to uphold the result. The petitioner is urged to begin regular weekly counseling to purge this sanction. Although her sanction was suspended pending hearing, she is in the fourth month of non-compliance and the sanction

increases to \$150 per month during the fifth month under DCF's regulations. See W.A.M. 2372.2.

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