

4. On the day of his application the petitioner refused the Department's offer to find him a bed at a homeless shelter in Vergennes or some other town in Vermont until a space opened up at the Burlington shelter. On the day of the hearing, the petitioner refused to consider going to the Burlington shelter, even though the Department confirmed there was space available there for him. Other than his preference not to do so, the petitioner presented no compelling reason why he could not avail himself to stay in a local or nearby homeless shelter.

ORDER

The Department's decision is affirmed.

REASONS

As an adult without minor dependents the petitioner qualifies for GA only if he can show that he is not "able-bodied" or is facing a "catastrophic situation". W.A.M. § 2602 defines "catastrophic situation" as an emergency need attributable to one of four causes: death of a spouse or child, a court-ordered or constructive eviction, a natural disaster, or an emergency medical need.

In this case, even if it could be found that the petitioner was constructively evicted form his last permanent

housing, there is no question that space was, and is, available for him at a local or nearby homeless shelter. W.A.M. § 2613.2 provides that GA payments for temporary housing (usually in the form of a motel room) may be authorized only when "alternative arrangements are not immediately available". The Board has repeatedly held that the availability of a homeless shelter constitutes a suitable alternative housing arrangement unless the applicant can show that the shelter in question is not suitable as a matter of health or for some other compelling personal reason. See e.g., Fair Hearing Nos. 19,651 and 13,048.

In this case, the Department's denial of GA for temporary housing appears to have been fully in accord with the pertinent regulations. Therefore, the Board is bound by law to affirm that decision. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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