STATE OF VERMONT

HUMAN SERVICES BOARD

In re	)	Fair Hearing No. 20,790
	)	
Appeal of	)	

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services imposing a sanction on his family's Reach Up Financial Assistance (RUFA) benefits for the petitioner's failures to participate in required Reach Up activities. The issue is whether the petitioner had good cause for his failures to meet Reach Up requirements.

FINDINGS OF FACT

1. The petitioner lives with his wife and children in Barton, Vermont. At all times pertinent to this matter he has received RUFA benefits and has been mandatory participant in the Department's Reach Up program.

2. On May 17, 2006 the petitioner entered into a "Family Development Plan" (FDP) through Reach Up. The key component of the plan was for the petitioner to begin thirty-five hours a week of community service employment (CSE) and five hours per week seeking regular unsubsidized employment.

3. In summer 2006 the petitioner did his CSE work for the Town of Barton. The position was seasonal and ended in late summer.

4. During the fall of 2006 the petitioner failed to attend several scheduled meetings with his Reach Up case manager.

5. On December 22, 2006 the petitioner met with his case manager and signed a "conciliation agreement", which included a provision that he would start a new CSE placement as of January 3, 2007 with the City of Newport.

6. The petitioner failed to report to this placement. His case manager then scheduled another conciliation meeting for February 7, 2007. At the petitioner's request, this meeting was rescheduled for February 8, 2007. The petitioner failed to appear at this meeting and did not call.

7. On February 16, 2007 the Department sent the petitioner a notice that effective March 1, 2007 his RUFA grant would be subject to a $225-a-month sanction for his failure to participate without good cause in Reach Up.

8. The petitioner again met with his case manager on March 7, 2007. At the meeting the petitioner agreed to begin the CSE in Newport. The case manager arranged transportation for the petitioner to and from this placement. The

petitioner has failed to appear at any time for his ride to this job.

9. The petitioner filed an appeal of the Department's decision to sanction his RUFA grant on March 15, 2007. A hearing in the matter was held on April 25, 2007. At that time the petitioner maintained that he shouldn't be required to participate in a CSE placement with the City of Newport because of "bad blood" between him and the City's employee supervisor. The petitioner alleged that the last time he worked for this supervisor in 2004 he had filed grievances with the City that were not followed up to his satisfaction.

10. The petitioner did not dispute the Department's representations that his Reach Up case manager had offered to monitor his CSE placement and to assist him in the City's grievance process if any problem arose between him and his supervisor.

11. The petitioner also did not dispute the Department's representation that there are no other available CSE placements in this area at this time. The petitioner agreed that his case manager has been diligent (including spending a day driving around Barton with him) in attempting to locate an alternative CSE placement. The petitioner also did not

dispute that his case manager had arranged suitable transportation for him to the Newport placement.

12. It appears that a CSE placement in Barton may be available soon, which the Department is willing to follow up on. However, as of the date of the hearing the petitioner had not participated in any Reach Up work activity, despite agreeing to do so, since the end of summer 2006.

ORDER

The Department's decisions are affirmed.

REASONS

Included in the "types of noncompliance" in the Reach Up regulations is the failure or refusal to "attend or participate fully in FDP activities." W.A.M. § 2370.1. FDP activities specifically include participation in Community Service Placement. W.A.M. § 2364.6. Section 2372 of the regulations provides: "If a participating adult, including a minor parent, 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 further provide that the conciliation process shall be "determined unsuccessful when the individual . . . fails without good cause to respond to

one written notice of a scheduled conciliation conference". W.A.M. § 2371.4. This regulation further provides that the sanction process begins when conciliation is unsuccessful.

As noted above, the petitioner does not dispute that he has refused to participate in his CSE placement in Newport. The "good cause" provisions for failure to participate in any FDP activity are set forth in section 2370.32 of the Reach Up regulations. An inability to get along with a supervisor or coworker is not included in these provisions. Even if it were, the petitioner admits that he hasn't had any contact with the supervisor in question since 2004. He also made no claim or showing that his Reach Up case manager would not adequately assist him or otherwise respond appropriately if problems occurred again at this placement. Therefore, it must be concluded that the Department's decision in this matter was in accord with the above regulations, and that the Board is thus required to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

# # #