



3. On or about April 18, 2007, petitioner and his wife went through a review. At that point, petitioner was employed and meeting his work requirement.

4. Petitioner's RUFA case manager is D.K. D.K. is employed through the Department of Labor (DOL); her job duties include RUFA case management for the principal earner parent in two adult RUFA households. D.K. has been petitioner's case manager for the past year. D.K. helps her clients find employment including community work placements and helps her clients address barriers to employment. In petitioner's case, D.K. has provided funding for car repairs, work clothing, and other transportation expenses.

5. D.K. learned that petitioner was no longer working during the beginning of July 2007. D.K. wrote petitioner asking petitioner to contact her as he was no longer in compliance with his work requirements. D.K. arranged a community work placement at a local nonprofit; the petitioner was to start his placement on July 17, 2007.

6. Petitioner did not attend his community work placement and did not call prior to or on July 17, 2007 to explain why he could not meet his commitment. D.K. planned to start the sanction process. However, petitioner called D.K. on July 19, 2007 and told her that he was employed.

7. On or about August 6, 2007, petitioner informed D.K. that he was no longer employed. D.K. arranged a community work placement for petitioner at the same nonprofit. D.K. was scheduled for an orientation meeting on August 14, 2007.

8. Petitioner did not attend the August 14, 2007 orientation meeting and did not call to say he was unable to attend the orientation meeting.

9. D.K. wrote petitioner on or about August 23, 2007 scheduling an appointment for August 31, 2007 and informing petitioner that if he did not attend the meeting he would be sanctioned.

10. Petitioner telephoned D.K. on August 30, 2007 and explained that he had misunderstood the date for the orientation. As a result, petitioner was scheduled to attend orientation on September 11, 2007 and to start his community work placement on September 18, 2007.

11. Petitioner did attend the orientation and signed a participant work site agreement on September 11, 2007. Petitioner agreed to work thirty hours per week starting September 18, 2007. The petitioner and D.K. signed a new Family Development Plan.

12. Petitioner did not work at his community work placement. Petitioner did not call D.K. or the nonprofit to say he was not coming to the placement.

13. D.K. sought authorization to sanction petitioner on September 20, 2007. S.H., Department supervisor, reviewed the sanction request and the petitioner's case file. S.H. authorized the sanction on September 20, 2007.

14. On September 20, 2007, the Department sent petitioner a Notice of Decision that his RUFA grant would be reduced \$150 per month due to his failure to comply with RUFA requirements without good cause. Petitioner appealed that decision on September 24, 2007. Petitioner has received continuing benefits pending appeal.

15. Petitioner testified that he was unable to attend his community work placement because his car insurance had been cancelled and he did not want to drive without insurance. Petitioner was unclear when he received the letter from his insurance company. Petitioner said his insurance was cancelled because he had forty-five or fifty points on his license. Petitioner testified that he telephoned D.K. after her work hours and left a message on her voice mail. Petitioner stated that his telephone bill would show the number. At the hearing, petitioner was given

time to submit the letter from his insurance company and a copy of his telephone bill.<sup>1</sup> Petitioner has not supplied this documentation.

16. D.W. testified that she did not receive any messages from petitioner regarding his transportation difficulties. According to D.W., they could have arranged alternative transportation for petitioner. As part of the exhibits, the Department submitted D.W.'s case notes. In the case notes, D.W. detailed all action and contacts in petitioner's case including telephone messages left on her voice mail. D.W.'s testimony that petitioner did not contact her that he did not have transportation to the community work placement is more credible than petitioner's testimony that he did contact her.

17. Arrangements were made at the hearing for petitioner to get back on track with his RUFA requirements.<sup>2</sup>

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<sup>1</sup>This was memorialized in a memo to the parties.

<sup>2</sup>Once a sanction is imposed, the Department will lift the sanction after the participant participates for two weeks with his RUFA requirements. Petitioner was urged to comply with his RUFA requirements.

ORDER

The Department's decision to sanction petitioner is affirmed.

REASONS

A major goal of the Reach Up Financial Assistance Program (RUFA) program is to help families become self-sufficient. W.A.M. § 2200. In a two adult family, one adult is designated the principal earner parent. Petitioner has been so designated and is obligated to cooperate with the Department to craft a Family Development Plan (FDP) and to participate in the FDP work requirements including community work placements. W.A.M. §§ 2362.1 and 2370.1.

If the adult participant does not comply with requirements to attend a community work placement, the adult's family may face financial sanctions unless there is good cause. W.A.M. §§ 2370.1, 2371, and 2372. The Department's first response is to try the conciliation process unless the adult already had two conciliations within a sixty month period. W.A.M. § 2371.

When D.K. learned that petitioner had not attended his placement on September 18, 2007 and had not contacted the Department or the placement to explain his absence, D.K.

started the process to sanction petitioner's RUFA benefits. Because petitioner had two prior conciliations, D.K. was correct to seek sanctions in the absence of good cause.

Good cause is defined at W.A.M. § 2370.32. The inability to arrange transportation is addressed at W.A.M. § 2370.32(1) which states:

The participant, after making a good faith effort, was unable to arrange transportation to or from the place of employment or FDP activity or child care essential for employment or participation in the activity, and the participant informed the employer or appropriate person as soon as possible. (emphasis added)

Good cause has not been established in petitioner's case. Petitioner did not present any evidence that he attempted to find alternate transportation. In addition, the weight of the evidence demonstrates that petitioner did not inform the placement or D.W. of his transportation difficulties as soon as possible. In fact, petitioner did not inform the Department of his transportation difficulties until the hearing.

Because the Department's actions are in accord with the above regulations, the Department's decision to sanction petitioner's grant is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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