



to wait seven years before requesting expungement, or until February 2024. The Board thus dismissed this portion of petitioner’s appeal for lack of jurisdiction.

Turning to the motion to reopen, the Board explained that under its rules, a party could move to reopen and reconsider an order within thirty days of its issuance upon a showing of good cause. Human Services Board, Fair Hearing Rule 1000.4(K), Code of Vt. Rules 13-020-002, <https://humanservices.vermont.gov/sites/ahsnew/files/fair-hearing-rules-1.pdf> [<https://perma.cc/KB6Q-BQA3>] (“Within 30 days of the Board’s issuance of any order, a party may move the Board to reopen and reconsider that order. . . . Such motions shall be granted only upon a showing of good cause . . .”). The Board found petitioner’s request untimely. It further found that petitioner failed to show good cause why the decision should be reopened or explain why he delayed so long in filing his request. The Board thus denied the motion to reopen. This appeal followed.

On appeal, petitioner challenges the merits of the 2017 substantiation in his brief. He asserts that the substantiation decision contains a factual error with respect to whether he was being criminally prosecuted for abusing his son and that, absent this error, he would not have been substantiated. He also asserts that the DCF Commissioner erred in his review of the substantiation in 2017. Respondent maintains that he was subjected to hardship due to these errors.

These arguments appear to be raised for the first time in this appeal. In any event, we are not reviewing the merits of the 2017 substantiation in this case. The order on appeal is the Board’s dismissal of petitioner’s expungement petition for lack of jurisdiction and its denial of petitioner’s motion to reopen. We review questions of law, such as dismissal for lack of jurisdiction, de novo. See *In re R.W.*, 2011 VT 124, ¶ 34, 191 Vt. 108 (recognizing that question of jurisdiction is one of law that this Court reviews de novo). We otherwise defer to the Board’s decision on appeal and “[o]ur review is . . . limited to whether the Board applied the proper legal standard, whether the evidence before the Board reasonably supports its findings, and whether the Board’s findings reasonably support its conclusions.” *In re E.C.*, 2010 VT 50, ¶ 6, 188 Vt. 546 (mem.).

Petitioner fails to show that the Board erred in reaching its conclusions here. He raises no challenge to the dismissal of his expungement request, a result plainly required by 33 V.S.A. § 4916c(a)(1). The Board’s denial of petitioner’s motion to reopen is supported by its findings and by the record. As set forth above, the Board found the request untimely and otherwise without merit.

Affirmed.

BY THE COURT:

---

Paul L. Reiber, Chief Justice

---

Harold E. Eaton, Jr., Associate Justice

---

Karen R. Carroll, Associate Justice