

Note: Decisions of a three-justice panel are not to be considered as precedent before any tribunal.

ENTRY ORDER

SUPREME COURT DOCKET NO. 2003-559

MAY TERM, 2004

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| | } | APPEALED FROM: |
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| Carol Rowe | } | Human Services Board |
| | } | |
| v. | } | DOCKET No. 18,745 |
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| Department of PATH | } | |
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In the above-entitled cause, the Clerk will enter:

Petitioner Carol Rowe appeals pro se from a Human Services Board order denying her application for emergency assistance (EA) and general assistance (GA) benefits. We affirm.

Rowe is a single woman who receives Social Security disability benefits and SSI. She has an adult son, born in 1981, who attends college in another state. In September 2003, Rowe stopped receiving child support payments for her son. In October 2003, she filed an application for emergency assistance and general assistance, asserting that she no longer had sufficient income to pay all of her expenses. Her petition was denied. She appealed to the Human Services Board, which affirmed the denial of benefits. In its order, the Board explained that Rowe did not qualify for EA because she did not have a needy child under the age of twenty-one in her household as required by program rules. The Board also rejected Rowe's request for GA. As the Board explained, GA regulations require that households with income in excess of the Reach Up Financial Assistance (RUFA) maximum can receive additional financial assistance only if they are experiencing a catastrophic situation. The Board found that Rowe's income exceeded RUFA limits, and she had not indicated that she was facing a catastrophic situation as defined in state regulations. The Board rejected Rowe's assertion that federal statutes and regulations applied to determine her eligibility for GA benefits. Rowe appealed.

It is difficult to ascertain Rowe's exact arguments on appeal. As relevant to the order from which she appeals, she appears to argue that the Board erred because: (1) federal statutes and regulations apply to determine her eligibility for the state GA program; (2) the RUFA payment level is incorrect in light of federal poverty guidelines; and (3) she was denied legal representation. Rowe also raises several arguments about the state food stamp program. Because her eligibility for food stamps is not part of the order from which she appeals, we do not address that argument.

On review, we will set not set aside the Board's findings unless they are clearly erroneous; we will uphold the Board's decision if the record contains any credible evidence that fairly and reasonably supports its findings. Hall v. Dep't of Social Welfare, 153 Vt. 479, 486-87 (1990). The Board's decision is well-supported here.

First, the Board properly upheld the denial of Rowe's request for EA benefits. As the Board explained, emergency assistance is payable only to those households with a needy child under the age of twenty-one. See generally Emergency Assistance Rules '2800, 5 Code of Vermont Rules 13 170 004-3 (2004). Rowe does not meet this requirement. As she indicated in her application for benefits, her son is over twenty-one. None of the arguments that Rowe raises in her brief undermine the Board's conclusion that she is ineligible for EA benefits. We therefore find no error.

The Board's decision that Rowe is ineligible for GA benefits is similarly supported by the record. The Board found Rowe ineligible for GA benefits because her monthly income exceeded the RUFA payment level for a one-person

household and she had not alleged that she was facing a catastrophic situation@ as defined in the rules. See generally General Assistance Rules, 5 Code of Vermont Rules 13 170 007-10, 13 170 007-11. These findings are supported by the record. There is no merit to Rowe' s assertion that federal statutes and regulations control her eligibility for GA benefits. Vermont' s GA program is entirely state-funded and administered. See generally 33 V.S.A. ' ' 2101-2113. Rowe' s assertion that the Department had an obligation to provide her with legal assistance is equally without merit. The Board' s decision is supported by the record, and we find no error.

Affirmed.

BY THE COURT:

John A. Dooley, Associate Justice

Denise R. Johnson, Associate Justice

Marilyn S. Skoglund, Associate Justice