



her to relief under 3 V.S.A. § 3091. The Board adopted the recommendation in a June 2021 order. This appeal followed.

Petitioner makes numerous arguments on appeal, many of which are difficult to decipher or appear to rely on evidence outside the record. Her primary complaint appears to be that she was denied a fair hearing below because the hearing officer did not allow her to fully present her testimony.

The jurisdiction of the Human Services Board “is limited to what is conferred by statute.” Vigario v. Dep’t of Soc. Welfare, 140 Vt. 100, 103 (1981). The Board’s governing statute is 3 V.S.A. § 3091, which provides:

An applicant for or a recipient of assistance, benefits, or social services from the Department for Children and Families, of Vermont Health Access, of Disabilities, Aging, and Independent Living, or of Mental Health, or an applicant for a license from one of those departments, or a licensee may file a request for a fair hearing with the Human Services Board. An opportunity for a fair hearing will be granted to any individual requesting a hearing because his or her claim for assistance, benefits, or services is denied, or is not acted upon with reasonable promptness; or because the individual is aggrieved by any other Agency action affecting his or her receipt of assistance, benefits, or services, or license or license application; or because the individual is aggrieved by Agency policy as it affects his or her situation.

Id. § 3091(a). The fair hearing is usually conducted by a hearing officer who makes findings of fact based on the evidence presented and makes a recommendation to the Board, which reviews the recommendation and may affirm, modify, or reverse DCF’s decision. Id. § 3091(b)-(d).

Here, the Board correctly determined that it lacked jurisdiction to consider petitioner’s complaint because it did not fall within any of the categories set forth in the statute. Petitioner did not allege that DCF failed to timely act on a claim for assistance or that DCF improperly denied, reduced, or terminated her GA assistance. She did not assert that she was denied any other benefit or service or a request for a license. Nor has she identified a specific DCF policy that has negatively affected her. The Board therefore appropriately dismissed petitioner’s complaint for lack of jurisdiction under 3 V.S.A. § 3091(a). See In re T.O., 2021 VT 41, ¶ 11 (affirming Board’s dismissal of complaint for lack of jurisdiction).

Petitioner’s claim that she was denied a fair hearing lacks merit. The record shows that petitioner was given a meaningful opportunity to present evidence and argument regarding her grievance. After petitioner spoke for several minutes, the hearing officer explained to petitioner that the Board lacked jurisdiction to grant the relief petitioner was requesting and provided her with an opportunity to present any other arguments. She did not do so, and the hearing officer terminated the hearing. The hearing officer was not required to give petitioner unlimited time to speak. See V.R.E. 611(a) (requiring court to exercise reasonable control over mode and order of presenting evidence so as to avoid needless consumption of time); Fair Hearing Rules

§ 1000.3(O)(5), Code of Vt. Rules 13 020 002, <http://www.lexisnexis.com/hottopics/codeofvtrules> (stating that Vermont Rules of Evidence apply in Board hearings). We therefore see no reason to disturb the decision below.

Affirmed.

BY THE COURT:

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Paul L. Reiber, Chief Justice

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Harold E. Eaton, Jr., Associate Justice

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Karen R. Carroll, Associate Justice