

SUPREME COURT OF VERMONT

In re Helen Potter

838 A.2d 105 (2003) · No. No. 03-227 · Decided October 29, 2003

SUMMARY

The Vermont Supreme Court affirmed the Human Services Board's denial of Helen Potter's applications for seasonal fuel assistance, crisis fuel benefits, and essential person benefits. The court held that the evidence supported classifying Potter as a roomer in her nephew's household and that she was required to provide information about his income and resources for the essential-person-benefits application.

CASE DETAILS

COURT	Supreme Court of Vermont
WRITING FOR THE COURT	Amestoy, C.J.; Johnson, J.; Skoglund, J.; Reiber, J.
JURISDICTION	Vermont
DECIDED	October 29, 2003
DOCKET	No. 03-227
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the Vermont Human Services Board's denial of applications for seasonal fuel assistance, crisis fuel benefits, and essential person benefits.
STANDARD OF REVIEW	The court would not set aside the Board's findings unless clearly erroneous and would uphold the Board's decision if the record contained credible evidence fairly and reasonably supporting its findings.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Helen Potter v. Department of Prevention, Assistance, Transition and Health Access

TOPICS

- agency adjudication
- judicial review of agency action
- administrative law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Human Services Board properly determined that Potter was a roomer rather than the head of her nephew's household for purposes of seasonal and crisis fuel assistance.
2. Whether the Department and the Human Services Board properly required Potter to provide information about her designated non-spouse essential person's income and resources before determining eligibility for essential person benefits.

HOLDINGS

1. The Board properly determined that Potter was a roomer in her nephew's household, not the head of the household, and therefore she was ineligible for seasonal fuel assistance and crisis fuel benefits under the applicable rules.
2. Because Potter designated her nephew as a non-spouse essential person, she was required to provide information about his income and resources to establish eligibility for essential person benefits.

KEY QUOTATIONS

“We reject these arguments because the record amply supports the Board’s conclusion that Ms. Potter was a roomer in Mr. Benjamin’s household.” (838 A.2d at 107)

“Under these circumstances, the Board properly rejected the purported agreement between the parties as a sham designed solely to circumvent eligibility requirements.” (838 A.2d at 108)

“In this case, the Board properly denied Ms. Potter’s application because she refused to provide information about Mr. Benjamin’s income and resources.” (838 A.2d at 109)

FACTUAL BACKGROUND

Helen Potter, an elderly woman receiving \$624 per month in Social Security and Supplemental Security Income, lived in her nephew's home. She and her nephew entered into a lease and employment agreement under which she purportedly rented the six-bedroom home, paid utilities, and paid her nephew for caregiving, although the Board found that the arrangement was financially implausible and designed to obtain benefits. Potter designated her nephew as a non-spouse essential person but refused to provide information about his income and resources despite repeated requests.

PROCEDURAL HISTORY

The Department denied Potter's applications after determining that she was a roomer in her nephew's household and after she failed to provide information about the nephew's income and resources for the essential-person-benefits application. The Human Services Board consolidated the appeals, affirmed the denials, and Potter appealed to the Supreme Court of Vermont.

DISPOSITION

affirmed

CASES CITED

- Hall v. Dep't of Social Welfare, 153 Vt. 479, 486-87, 572 A.2d 1342, 1346 (1990)

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