VERMONT

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Agency of Human Services

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Dear Members of the Legislative Committee on Administrative Rules,

At the LCAR meeting on October 29, 2026, an advocate referenced a Human Services Board fair hearing that had had significant delays. Please find attached the first two pages of the hearing officer's memorandum in that matter.

As the memorandum explains, the hearing was postponed on multiple occasions for more than a month. The memorandum documents the basis for each postponement and establishes that all the delays were at the request of the petitioner and their representative, rather than from any action, inaction, or scheduling limitation attributable to the Department or Human Services Board. This is not to say that the delays were inappropriate, merely that delays can be caused by either party for various reasons, and that one case should not be used to broad-brush a process that is inherently challenging for many disparate reasons.

The Department takes seriously its obligation to provide timely access to due process and to the services to which individuals are entitled under law. Where responsibility for a delay or deficiency rests with the Department, it will accept that responsibility and take appropriate corrective action. In this instance, however, the record does not support the assertion that the Department or the Board caused the postponements at issue.

The Department respectfully submits this information to ensure that the Committee has a complete and accurate factual record as it considers emergency rule 26-E03.

Again, thank you for your time and consideration,

Sandi Hoffman, Commissioner
Department for Children and Families
Agency of Human Services

Filed October 26, 2026

MEMORANDUM

STATE OF VERMONT

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TO: Human Services Board, [redacted], o/b/o Petitioner, and [redacted], Assistant Attorney General, for the Department for Children and Families

FROM: [redacted], Hearing Officer

DATE: October 26, 2026

RE: [redacted], Fair Hearing No. B-09/26-899

INTRODUCTION

Petitioner's fair hearing request is related to a disputed requirement of the Vermont Homelessness Response Continuum, as administered by the Department for Children and Families ("Department"). The following is based on telephone status conferences and/or telephone hearings held on September 10, September 18, and September 29, 2026, and a motion hearing held on October 16, 2026. The issue is whether petitioner is entitled to be housed in a hotel or motel as a matter of receiving continuing services while his appeal is pending.

PROCEDURAL HISTORY

Petitioner's fair hearing request was filed on September 4, 2026. With the request, petitioner requested that the hearing officer order the Department to house him

while the fair hearing is pending, based on the merits of his appeal and—separately—the right to continuing services under the law. A hearing was convened on September 10, 2026, to consider petitioner's request, at the close of which the hearing officer denied petitioner's request to issue an order to the Department to house him while his appeal is pending.

The Department filed an objection to petitioner's request for continuing services on the same date as the hearing. Petitioner requested and was granted time to consult with an attorney and determine when he could file a response to the Department's filing. In the meantime, petitioner's fair hearing request was scheduled for a merits hearing on September 18, 2026. On September 15, 2026, petitioner informed the Board that a response to the Department's filing would be submitted on September 22, 2026.

At the merits hearing on September 18, 2026, petitioner requested a continuance of the hearing due to the last-minute unavailability of a key witness. During this hearing, the parties agreed to schedule a motion hearing on September 29, 2026, to take argument on the parties' filings on the issue of providing continuing services to petitioner. This date was based on the anticipated schedule for submission of the parties' filings on this issue. The parties also agreed to postpone the merits hearing until after the issue of continuing benefits was briefed and argued.

On September 22, 2026, petitioner requested an extension until September 24 to file his brief on the issue, to which there was no objection from the Department. Petitioner did not submit a filing on September 24 nor did petitioner submit anything prior to the September 29 motion hearing. As a result, the parties agreed to postpone the September 29 hearing, which was eventually rescheduled for October 16, 2026.