

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Division of Administrative Law Appeals

Keith Brelsford,
Petitioner

v.

Docket No. VS-15-594

Department of Veterans' Services,
Respondent

Appearance for Petitioner

Keith Brelsford, *Pro se*
3RA Pusan Road Rear
Framingham, MA 01702

Appearance for Department of Veterans' Services:

Stuart W. Ivimey, Esq.
Department of Veterans' Services
600 Washington Street, 7th Floor
Boston, MA 02111

Administrative Magistrate

James P. Rooney, Esq.

Summary of Decision

Unopposed summary decision motion granted affirming termination of state veterans' benefits when veteran failed to look for work or demonstrated that he was medically unable to work, and placing him in refund status because of a rent payment made for him by a veterans' organization.

DECISION

Veteran Keith Brelsford appeals from a decision by the Massachusetts Department of Veterans' Services affirming two notices of action by the Framingham veterans' agent (1) terminating his state veterans' benefits because he failed to look for work, and (2) placing him in refund status for \$869 in rent assistance benefits paid to him

during a period in which his rent was being paid by another source. Mr. Brelsford maintains that he could not look for work during the relevant time period because he had just had heart surgery. He also contends that the rent payment never went to him, and thus it should not count as his part of his income.

The Department has moved for summary decision. It contends that it is undisputed that prior to Mr. Brelsford having an electrophysiology study and a cardiac ablation¹ on June 9, 2015, his doctor filled out a medical evaluation form in which he checked a box stating that the procedure would not interfere with Mr. Brelsford's ability to look for work and that he would be out of work for only one week. Looking for work was a condition of Mr. Brelsford's employment plan that he signed the previous month. Between June 17, 2015 and July 7, 2015, when the Framingham Department of Veterans' Services sent him a notice of action that he was out of compliance with his employment plan, Mr. Brelsford failed to submit any verifiable job searches or a doctor's note extending the period in which he could not work. The Department also contends that it is undisputed that the Veterans Northeast Outreach Center paid \$869 toward Mr. Brelsford's rent in the months of June through August 2015, and hence Mr. Brelsford, who had agreed to reimburse Framingham for any duplicative benefits he obtained while receiving state veterans' benefits that included an allowance for shelter costs, was properly placed in refund status for that amount.

¹ "Cardiac ablation is a procedure that can correct heart rhythm problems (arrhythmias). Ablation usually uses long, flexible tubes (catheters) inserted through a vein in [the] groin and threaded to [the] heart to correct structural problems in [the] heart that cause an arrhythmia."

<http://www.mayoclinic.org/tests-procedures/cardiac-ablation/basics/definition/prc-20022>
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I gave Mr. Brelsford until July 28, 2016 to file a response to the Department's motion for summary decision. I informed him that if he failed to respond, I would likely grant the Department's motion as unopposed.

Mr. Brelsford has not filed a response to the motion. I therefore grant the unopposed motion for summary decision and affirm the Department's decision terminating Mr. Brelsford's state veterans' benefits and placing him in refund status for \$869.

DIVISION OF ADMINISTRATIVE LAW APPEALS

James P. Rooney
First Administrative Magistrate

Dated: November 9, 2016