



clearly or adequately explain why petitioner failed to complete the interview for her application, particularly given that DCF attempted to reach her by telephone several times at the number she provided on her application.

The Board concluded that petitioner’s application was properly denied. DCF followed the appropriate procedures by making several “cold calls” to petitioner to complete her interview and it also sent her written notice that she needed to complete the interview. Petitioner was required to complete an interview, and she failed to do so. To the extent that there was any exception that might allow for petitioner’s application to be reopened retroactively, the Board found that petitioner failed to establish any facts warranting such a remedy. While petitioner argued that she was having problems with her mail at the time, she did not establish the specific nature of these issues, nor did she contact DCF despite being aware of these issues. Her explanation also failed to address DCF’s unsuccessful attempts to reach her by phone to complete the interview. Thus, because DCF’s decision was consistent with the applicable rules, the Board affirmed its decision. This appeal followed.

Petitioner asserts that when she dropped off her application in November 2023, she was told that she had completed the application properly and there was nothing more she needed to do. Petitioner asserts that she was not receiving mail and her phone was not working. She references the letter from her doctor noted above. Petitioner also indicates that she did not intentionally fail to comply with the rules. She states that she forgot about the need for a follow-up telephone call, she had never missed a review before, and the relevant period was right after COVID.

Petitioner did not testify at the hearing and most of these allegations were not presented below. We do not address these arguments for the first time on appeal. See Hoover v. Hoover, 171 Vt. 256, 258 (2000) (“[O]ur review is confined to the record and evidence adduced at trial. On appeal, we cannot consider facts not in the record.”). The Board here applied the proper legal standard, its findings are supported by the record, and the findings support the Board’s conclusion. See In re E.C., 2010 VT 50, ¶ 6, 188 Vt. 546 (mem.) (describing this Court’s standard of review). As set forth above, petitioner failed to complete a required interview, leading to the denial of her request for benefits. The Board was unpersuaded by petitioner’s argument that she was having trouble with her mail, and it was equally unpersuaded by her doctor’s letter. This Court does not reweigh the evidence on appeal. See, e.g., Cabot v. Cabot, 166 Vt. 485, 497 (1997) (recognizing that it is for the trier of fact “to determine the credibility of the witnesses and weigh the persuasiveness of the evidence”). There is no basis to disturb the Board’s decision.

Affirmed.

BY THE COURT:

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Harold E. Eaton, Jr., Associate Justice

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Karen R. Carroll, Associate Justice

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Nancy J. Waples, Associate Justice