

effect at that time, the board's ruling was "correct".

ORDER

Considering the "correct" version of the statute in effect at the time in question, the board's ruling remains unchanged.

REASONS

The "correct" statute (i.e., the version of 7 U.S.C. § 2012(i) that was in effect on September 14, 1987) fully supports the board's analysis. Under this version, there appears no basis whatsoever to conclude that the father of the petitioner's child is not entitled to "separate household" status. For this reason, the department's decision of September 14, 1987, remains reversed.

However, although the board now "clarifies" its ruling in this matter by specifying that it is based on the version of 7 U.S.C. § 2012(i) that was in effect in September, 1987, this does not mean that the board's interpretation of the version of the statute that took effect on October 1, 1987, was incorrect as applied to the circumstances of the petitioner's case. The board, its hearing officers shall, and the department should, continue to rely on the board's analysis of this statute in future cases involving similar circumstances.

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