

again showing some earned income and the receipt of a federal tax return in September. In the month of October, the petitioner was also reviewed for her Food Stamp certification. Her MRF and the review spawned several computer notices which advised the petitioner as follows: On October 5, 1988, that for November her Food Stamps would go from \$229 to \$201; on October 13, 1988, that her Food Stamps for October would decrease from \$229 to \$94; and on October 14, 1988, that her Food Stamp benefit of \$94 would remain the same. The correct amount of Food Stamps was \$94 and a check for that amount was sent to the petitioner.

5. In late October, the petitioner filed an MRF which showed some income and child support received in October. On November 7, 1988, she was found eligible for ANFC retroactive to October 27, 1988, and was told her Food Stamps would go from \$236 to \$0 for November. She was not eligible for Food Stamps because her income in the previous month was too high. She was eligible for ANFC because it was a new application and the Department did not look back at the prior month.

6. On December 1, 1988, the petitioner filed an MRF showing no income but the receipt of child support for November. On December 2, 1988, she received a notice that her Food Stamps would go from \$0 to \$42. On December 13, she received a notice that her Food Stamps would go from \$105 to \$86. On December 20, she got a notice that her Food Stamps would go from \$25 to \$53. And on December 21, 1988,

she was notified that in January her stamps would go from \$86 to \$78. She was actually sent \$53 for December which was the proper amount.

7. On January 5, 1989, the petitioner was notified her Food Stamps would increase from \$78 to \$227 based on her December income.

8. On February 3, 1989, her Food Stamp benefits of \$96 were closed due to too much income for January.

9. The various Food Stamp notices sent to the petitioner were generated by the computer as a result of changes in support payments, income earned, rent paid, and the like. The notices were contradictory due to incomplete information or a rapidly changing financial picture.

10. There is no evidence that the petitioner was actually sent the wrong amount of Food Stamp coupons each month.

ORDER

The decision of the Department is affirmed.

REASONS

The Department is required "prior to implementation of any decision", to furnish the recipient with a notice which "specifies the type of action to be taken, and explains the action with reference to dates, amount, reasons, etc."

W.A.M. 9 2228 The various notices sent to the petitioner purport to do that but they are contradictory. Sorting them out and making sense of them is impossible without resorting to the case file itself. While it appears that the

petitioner actually got all the Food Stamps to which she is entitled, there was no way she could discern at the time they were due what the correct amount was. There is no evidence that the Department deliberately or even negligently sought to harass or act unfairly toward the petitioner in this case. The chaos here is the result of the use of a computer system to handle a high volume of cases which is not or cannot be programmed to see the entire picture the way the petitioner's worker would. The result is unfortunate and aggravating for the petitioner but there is no reason to believe she did not get the benefits to which she is entitled. Until the computer can be programmed to be more responsive, the petitioner should contact her worker to have her benefits explained.

The petitioner also protests being required to file monthly report forms detailing her income. The regulations require:

All ANFC assistance groups with earned income from wages or self-employment shall be required to report their circumstances monthly to remain eligible for benefits. In addition, ANFC assistance groups with recent earnings shall report their circumstances monthly for a period of three months including the month during which their employment terminates. The month in which employment terminates is the month in which the last paycheck is received. An exception to this requirement is the fact that ANFC assistance groups with current or recent earnings are not required to report their circumstances during the month of application on a Monthly Report Form or for any month for which they have not requested assistance. W.A.M. § 2216.2

Similar regulations exist in the Food Stamp Program which anticipate income based on past income received. F.S.M. §

273.10(c)

The evidence shows that in all the months at issue the petitioner was either a wage earner or a recent wage earner and that she requested some kind of assistance, either ANFC or Food Stamps for every month at issue. Therefore, she was required to file monthly reports in order to calculate her benefits retrospectively. (Looking at last month's income to calculate the income for the next month.) Because she made a new application for ANFC in October, her benefits were properly calculated prospectively under the above regulations during that month.

As the Department's decision in this matter was made in accordance with its regulation, the Board must affirm. 3
V.S.A. § 3091(d).

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