STATE OF VERMONT

HUMAN SERVICES BOARD

In re	)	Fair Hearing No. 9502
	)	
Appeal of	)	

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare decreasing the petitioner's Food Stamps because of the income of an additional household member. The issue is whether an adult daughter who lives with the petitioner must under the pertinent statutes and regulations be considered a member of the petitioner's household for food stamp purposes, and whether her income is thus "deemed" available to the household in calculating the petitioner's food stamps.

FINDINGS OF FACT

In lieu of an oral hearing the parties have submitted the following stipulations of facts:

1. [Petitioner and his wife] reside in a mobile home in Highgate, VT. [Petitioner's wife's] two children, [son and daughter], reside with them.

2. [Petitioner] is a recipient of Supplemental Security Income.

3. [Wife's daughter] is 16 years old. [Wife's son] is 20 years old.

4. [Petitioner and his wife] and [wife's daughter] purchase and prepare food together.

5. [Wife's son] does not purchase and prepare food with the other household members.

6. [Wife's son] pays his mother $25.00 per week for his room. He eats no meals at home. He eats at work

or with friends. He contributes nothing else to the household.

7. The [petitioners] received Food Stamps until October 31, 1989 as a household of 3 - [petitioner, wife, and wife's daughter].

8. The Department sent [petitioner] a notice dated October 18, 1989 informing him his Food Stamps would close on October 31, 1989 because he did not provide the Department with required information. The information the Department needed was [wife's son's] earnings.

9. [Petitioners] do not know the amount of [wife's son's] earnings.

10. [Petitioner's] Food Stamps have been reinstated pending the Fair Hearing decision.

(Additional Stipulation)

The facts and issues in this fair hearing are indistinguishable from the facts and issues in Fair Hearing #9423. [Petitioner's] fair hearing should be consolidated with Fair Hearing #9423, and the decision in Fair Hearing #9423 should be controlling in this fair hearing.

ORDER

For the same reasons expressed in Fair Hearing No. 9423, the department's decision is reversed.

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