

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 9549
)
Appeal of)

INTRODUCTION

The petitioner appeals the decisions by the Department of Social Welfare denying him "separate household" status for food stamps and counting as income for food stamp purposes money deposited by the petitioner in a P.A.S.S. account. The issue is whether the Department's decisions are in accord with federal statutes governing the food stamp program.

FINDINGS OF FACT

The facts are not in dispute. The petitioner is divorced, but shares an apartment with his former wife and their minor son. The petitioner is fifty years old and is legally blind.¹ His income consists of \$591.00 per month in Social Security Disability benefits and \$471 per month in SSI (Supplemental Security Income).

The petitioner deposits \$571.00 each month into a Plan for Achieving Self Support (P.A.S.S.) that has been approved by the Social Security Administration. The money is applied toward the cost of education and training programs the petitioner is participating in--the goal of which is self-support.

The petitioner purchases and prepares his meals

separately from his former wife and his son.

The Department concedes that the facts and legal analyses in this case are indistinguishable from Fair Hearings' No. 8210 and 8989.²

ORDER

The Department's decision is reversed.

REASONS

The rationales for the petitioner being considered a separate household and for his P.A.S.S. income being excluded are set forth in Fair Hearings' No. 8210³ and 8989 respectively. Those decisions are incorporated by reference herein. For the same reasons expressed by the Board in those cases, the Department's decision herein is reversed.⁴

FOOTNOTES

¹The petitioner was blinded following an accidental ingestion of a toxic substance in 1988.

²Copies of Fair Hearings No. 8210 and 8989 are attached hereto.

³The petitioner in Fair Hearing No. 8210 was entitled to separate household based on his age. The petitioner in this case is disabled, and thus entitled to the same consideration under the statute.

⁴The Department did not appeal the Board's decisions in either Fair Hearings No. 8989 or 9490 (which was decided on the same bases as 8989). Hopefully that was oversight, rather than a conscious policy of "nonacquiescence"--an administrative policy that federal courts have declared illegal, and which the hearing officer considers censurable.