

REASONS

The ANFC regulations defining "income", W.A.M. § 2250, includes the following:

Income is defined as any cash payment or equivalent "in kind" which is actually available to the applicant or recipient. Sources of income include, but are not limited to, earnings from employment or self-employment, and "unearned" income (pensions, benefits, interest, or return on investments, contributions, assistance from other agencies, etc.).

All income except that specifically excluded shall be evaluated to establish net income available to meet need. . . .

W.A.M. § 2252 defines "unearned income" to include Social Security payments and provides that "the full amount of available unearned income shall be applied to the payment standard except for disregards specified under certain federal programs." W.A.M. § 2252.1 includes the provision: "The full amount of Social Security . . . benefits awarded to members of the assistance group shall be considered . . ." None of the provisions of W.A.M. § 2255 under "excluded income" apply to the petitioner or his son.¹

Inasmuch as the department's decision in this matter appears to comport fully with the applicable regulations, it must be affirmed.² 3 V.S.A. § 3091(d), and Fair Hearing Rule No. 19.

FOOTNOTES

¹The petitioner, who appeared pro se, did not specifically allege that any "exclusion" in the regulations was applicable. The hearing officer has carefully examined these provisions, however, and has determined that none applies.

²The petitioner was advised to pursue the possibility of special education funding for his son's situation.

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