

STATE OF VERMONT  
HUMAN SERVICES BOARD

In re ) Fair Hearing No. 10,616  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare terminating her food stamps and supplemental fuel benefits. The issue is whether the petitioner's resources are in excess of the maximum for these programs.<sup>1</sup>

FINDINGS OF FACT

The petitioner owns two house trailers that are located on the land where she lives. The trailers are unoccupied and are in disrepair. The town listers have appraised the value of the trailers at \$2,922.00 and \$1,980.00 respectively. The petitioner, despite being given several weeks to do so, presented no evidence to rebut the above valuations of the trailers or that she was free to sell them.<sup>2</sup>

ORDER

The Department's decision is affirmed.

REASONS

The maximum allowable resources for food stamps and fuel assistance is \$2,000.00 per household. F.S.M. § 273.8(b), W.A.M. § 2903.1. An individual's equity in the market value of unoccupied mobile homes is included in the

definition of a resource under both programs. F.S.M. § 273.8(c)(2), W.A.M. § 2903.2. Inasmuch as unrebutted evidence establishes that the trailers have a combined market value of almost \$5,000.00, the Department's decision is affirmed.

FOOTNOTES

<sup>1</sup>Originally, the Department determined that the petitioner had failed to cooperate in providing verification of the value of the trailers. A hearing was scheduled on July 29, 1991, at which time it was agreed by the parties that the petitioner would seek an appraisal of the trailers by the town listers and that the Department would abide by those appraisals in determining the petitioner's eligibility. The hearing was continued until September 24, 1991, at which time the petitioner provided the appraisals that are the basis of this decision.

<sup>2</sup>The petitioner was advised, however, that if she could produce further evidence that the trailers are unsaleable or that they are worth less than their appraised value, she can offer this evidence to the Department at any time and have her eligibility for food stamps and fuel assistance re-evaluated on this basis. The petitioner was also advised that if and when she sells the trailers and has spent all but \$2000.00 of her resources, she would again be eligible for these programs. The hearing officer advised both parties that if the petitioner made a bona fide attempt to sell the trailers but, after a reasonable amount of time, could not do so, this fact could be considered evidence that the market value of the trailers is substantially less than their appraised value. To date, however, the petitioner has made no serious attempts to sell the trailers.

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