

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 10,816
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department of Social Welfare regarding her Food Stamps. The issue is whether income set aside by the petitioner in a PASS account created pursuant to an agreement with the Social Security Administration constitutes a "reimbursement" to the petitioner and should, thus, be considered an exclusion from the petitioner's unearned income for Food Stamp purposes.

FINDINGS OF FACT

The petitioner is disabled. She receives Social Security (OASDI) benefits and SSI. She is pursuing a plan of education and has been approved by Social Security, pursuant to a "PASS plan," to set aside from her OASDI check \$307.00 a month to use exclusively for this plan.

The parties agree that the facts and the issues in this case are indistinguishable from those in Fair Hearings No. 8989, 9549,¹ 10,009, 10,313, 10,622, 10,347, and 10,802.

ORDER

The Department's decision is reversed.

REASONS

The board's reasoning in the above-cited Fair Hearings is adopted and incorporated by reference herein.

FOOTNOTES

¹Fair Hearing No. 9549 is presently on appeal before the Vermont Supreme Court.

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