

STATE OF VERMONT  
HUMAN SERVICES BOARD

In re ) Fair Hearing No. 10,867  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals a decision by the Department of Social Welfare regarding his 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. He receives Social Security (OASDI) benefits and SSI. He has been approved by Social Security, pursuant to a "PASS plan," to set aside from his OASDI check a certain amount each month to use exclusively for his education.

The parties agree that the facts and the issues in this case are undistinguishable from those in Fair Hearings No. 8989, 9549,<sup>1</sup> 10,009, and 10,313, 10,622, 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

<sup>1</sup>Fair Hearing No. 9549 is presently on appeal before the Vermont Supreme Court.

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