



ORDER

The Department's decision is affirmed.

REASONS

The birth of a child in common with the man the petitioner lives with triggered the so-called "deeming" provisions of the food stamp regulations. F.S.M. § 273.1. Under these regulations all parents and siblings who live under one roof must be considered a single food stamp "household", and the income of all household members must be considered in determining the eligibility of the household for food stamps. As noted above, the petitioner does not dispute the information relied upon by the Department in determining her household's ineligibility for food stamps for January and February, 1992. She stated, however, that she still didn't have enough money to buy food.<sup>2</sup>

Inasmuch as the Department's decision is in accord with the regulations, the board is bound to affirm. 3 V.S.A. § 3091(d) and Food Stamp Fair Hearing Rule No. 17.

FOOTNOTES

<sup>1</sup>Because the father is employed, the petitioner and the two children who are unrelated to the father remain eligible for ANFC. This exception does not apply to food Stamps.

<sup>2</sup>The petitioner was advised that if the household's income decreases she should reapply for food stamps. Also, if the inability to obtain food poses a medical emergency, the petitioner was advised she could apply for G.A. benefits on this basis.

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