

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 11,758
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare reducing his food stamps and closing his Medicaid. The issue is whether the Department correctly calculated the income of the petitioner's household in accordance with the pertinent regulations.

FINDINGS OF FACTS

The facts are not in dispute. Prior to January 1, 1993, the petitioner's monthly household income consisted of the petitioner's disability benefits and his wife's income from self-employment. At about that time, the petitioner's wife gave up her own business and went to work on a salaried basis. The petitioner also received a small cost of living increase in his disability benefits. Although their monthly income increased only slightly, the household's food stamps and the petitioner's Medicaid were adversely affected largely because the petitioner's wife no longer received the more generous deductions from earned income that apply only to self-employed rather than to salaried individuals under these programs.

At the hearing in this matter (held on February 23, 1993) the Department explained in detail to the petitioner and the hearing officer the basis of its decision. The petitioner

appeared to understand that while his food stamps will most likely remain at a reduced rate, he is eligible for Medicaid as soon as he incurs the "applied income" amount of \$293.40 in medical bills. The petitioner agreed that the documentation submitted by the Department in support of its decisions accurately reflected his household's income.

ORDER

The Department's decision is affirmed.

REASONS

The Department's calculations are in accord with the pertinent regulations. See Medicaid Manual § M240 and Food Stamp Manual §§ 273.9 and 273.10.¹ Therefore, the board is bound by law to affirm the Department's decision. 3 V.S.A. § 3091(d).

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¹Under these regulations, self-employed individuals are allowed to deduct most of their actual "costs of doing business". Wage earners are allowed only certain "standard" deductions from gross income, which in most cases do not amount to the expenses that a self-employed person can deduct.