

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 12,122

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare reducing his food stamps from \$182.00 to \$100.00 per month. The issue is whether the Department correctly calculated the petitioner's food stamps in light of a reported decrease in the petitioner's monthly rent.

FINDINGS OF FACT

The petitioner has monthly income from Social Security and SSI payments of \$776.78 per month. In February or March, 1993, the petitioner obtained a Section 8 rent subsidy certificate for the apartment in which he was living. As a result, his rent payment dropped from \$600.00 to \$325.00 a month.

When the petitioner underwent a periodic review of his food stamps in June, 1993, the Department considered this decrease in rent in determining that the petitioner's food stamps should be reduced from the \$182.00 per month he received previously to \$100.00 per month--a reduction of \$82.00 per month.

The petitioner does not dispute the Department's calculations but he maintains that it is unfair that he, in effect, does not receive the full benefit of his rent subsidy because his food stamps have been reduced.

ORDER

The Department's decision is affirmed.

REASONS

As noted above, the petitioner does not dispute the information the Department used to calculate his food stamps or the regulations upon which the Department relied. See F.S.M. § 273.10. The petitioner's point is well taken that the food stamp regulations, in effect, diminish the benefits of obtaining a rent subsidy.⁽¹⁾ However, inasmuch as the Department's decision comports with the pertinent regulations, it

must be affirmed. 3 V.S.A. § 3091(d) and Food Stamp Fair Hearing Rule No. 17.

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1. The petitioner was advised that only the federal Congress is empowered to amend this aspect of the food stamps program. The petitioner was encouraged to take his complaint to his U.S. Senators and Congressman.