

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 12,582

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare reducing his ANFC benefits. The issues are whether the petitioner's two children, who are recipients of survivor's benefits from the Social Security Administration must have those benefits counted as available to the household in the computation of the household's ANFC benefits.

FINDINGS OF FACT

1. The petitioner is the single father of two preschoolers who reside with him. He had been receiving \$610.00 per month in ANFC benefits.
2. In January of 1994, the two children began receiving Social Security survivor's benefits based on the recent death of their mother. They each received a check for \$96 which was reported by the petitioner to the Department.
3. On January 19, 1994, the petitioner was notified that beginning February 1, 1994, his ANFC grant would decrease from \$610 per month to \$428 per month because the children's unearned income went from \$0 to \$192 per month.
4. The petitioner does not dispute the accuracy of the Department's calculations. Rather he argues that the Department is wrong to offset the amount of the ANFC grant by the amount of the Social Security benefit which is paid instead of the child support the mother would pay if she were alive. He wants to hold on to some of the money (not all of it) for the children's future education and to buy some things which they need now, such as clothing and toys. He does not feel that he should have to use that money to pay rent or buy food.

ORDER

The Department's decision is affirmed.

REASONS

The regulations governing the ANFC program specifically require that "[t]he full amount of available unearned income shall be applied to the payment standard, except for disregards specified under certain Federal programs." W.A.M. Sec. 2252 "Unearned income" is defined in that same regulation at paragraph (A) as "[i]ncome from pension and benefit programs, such as Social Security . . ." Social Security received by minors is nowhere exempted from consideration by the regulations. It must be concluded that the Department's inclusion of this income is warranted by the regulations and must be upheld by the Board, 33 V.S.A. 3031(d).

The petitioner should be aware that had this income arrived in the form of child support, it would also have been counted as income, although he would have received a \$50.00 passalong as an incentive to cooperate in procuring the support. No such passalong is provided for Social Security benefits.

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