

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 12,585

)

Appeal of )

)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare closing her ANFC grant for December, 1993. The issue is whether the petitioner's income for that month was in excess of the program maximum.

FINDINGS OF FACT

The petitioner lives with her child and an unrelated adult with whom she shares household expenses. Through October, 1993, the petitioner received regular monthly ANFC payments. In October, the petitioner began working. On October 20, 1993, the Department notified the petitioner that as of November 1, 1993, she would become a "monthly reporter" and that her ANFC grant would be calculated each month based on the amount of income the petitioner reported receiving the previous month.

On the basis of the earnings the petitioner reported for October, 1993, the Department "suspended" the petitioner's ANFC grant for November because her October income exceeded the maximum amount of ANFC for which she would have been eligible in November.

When the petitioner's reported earnings for November were also in excess of her ANFC grant, the Department notified her that her ANFC grant for December had been closed. In early December, however, the petitioner notified the Department that she was no longer working. However, because the petitioner received two paychecks in December (after her job had ended) and because her child support was being forwarded directly to her by the Department that month (because she was not receiving ANFC) the petitioner's income for December (\$483.00) was still in excess of her ANFC grant; and the Department determined that she was not eligible for reinstatement.

In January, 1994, the petitioner reapplied, and was found eligible, for ANFC beginning that month. Since January, the petitioner has received her ANFC without interruption.

The petitioner's appeal is based on her belief that she should have been eligible for ANFC in December because she did not work that month. At the hearing, held on March 9 and 23, 1994, the Department demonstrated that its calculations regarding the petitioner's ANFC eligibility for December accurately reflected the amount of income the petitioner received that month--even though she had stopped working the month before.

The petitioner's grievance also appears to be based on her confusion over her monthly reporting status and the fact that she received most of her income for December in the first part of the month. Coupled with the fact that the petitioner's December income was less than her November income, this left the petitioner short at the end of December, and resulted in her being evicted from her apartment. The petitioner applied for and was granted GA in late December, but unfortunately her landlord refused the GA voucher and it had to be returned to the Department.<sup>(1)</sup>

### ORDER

The Department's decision is affirmed.

### REASONS

The evidence shows that the petitioner's income for both November and December, 1993, was in excess of the maximum amount of ANFC the petitioner would have been eligible for in these months. See W.A.M. § 2244-2249. Therefore, the petitioner was not eligible for ANFC for those months. See W.A.M. §§ 2239-2243. Although the petitioner's confusion regarding how her eligibility was determined is understandable, and although the timing of her loss of income just around Christmas time was, indeed, unfortunate, it appears that the Department's decision was based on an accurate determination of the petitioner's income and the correct application of the pertinent regulations. Therefore, the Department's decision is affirmed. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

###

1. It appears that the petitioner (and her housemate) were nonetheless able to locate a place to move to.