

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 12,587

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare terminating her food stamp grant because of the income of the father of one of the petitioner's children. The issue is whether the petitioner and/or her other child can constitute a separate and distinct "household" for food stamp purposes without considering the income of the father of the petitioner's other child.

FINDINGS OF FACT

The facts are not in dispute. Prior to October, 1993, the petitioner and one of her children received food stamps as a household of two persons, despite the presence in the home of T, an individual not married to the petitioner and unrelated to her child. T's income from employment was not considered in determining the petitioner's eligibility for food stamps.

On February 23, 1993, however, the petitioner had given birth to another child, of whom T was the father. When the Department learned of the presence of this child in the home it determined that the petitioner and her other child were no longer eligible as a separate household of two persons, and that T and his child would have to be included in the family's food stamp household. Unfortunately, the inclusion of T's income (coupled with the petitioner's ANFC benefits) made the entire family ineligible.

ORDER

The Department's decision is affirmed.

REASONS

Under Section 273.9 of the Food Stamp regulations, the income of all parents of minor children must be considered in determining a household's eligibility for benefits. Food Stamp Manual § 273.1(a) includes the following definitions of a "household":

1. General Definition

A household is composed of one of the following individuals or groups of individuals provided they are not residents of an institution (except as otherwise specified in paragraph (e) of this section), are not residents of a commercial boarding house, or are not boarders (except as otherwise specified in paragraph (c) of this section):

- i. An individual living alone;
- ii. An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from the others;
- iii. A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

2. Special Definition

i. The following individuals living with others or groups of individuals living together shall be considered as customarily purchasing food and preparing meals together, even if they do not do so:

- A. A spouse as defined in 271.2 of a member of the household;
- B. Children under 18 years of age under the parental control of an adult household member;
- C. Parent(s) living with their natural, adopted or step-child(ren) and such child(ren), unless at least one parent is elderly or disabled as defined in 271.2.

Inasmuch as the Department's decision in this matter is in accord with the applicable regulations, it must be affirmed. 3 V.S.A. § 3091(d) and Food Stamp Fair Hearing Rule No. 17.

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