

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 12,719

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare terminating her ANFC benefits. The issue is whether the Department may consider the income of the father of one of her children in computing the petitioner's eligibility for ANFC.

FINDINGS OF FACT

This is another so-called DEFRA case, in which the Department, pursuant to federal statute, mandates the inclusion in an ANFC "assistance group" of the siblings and parents of all eligible children. In the petitioner's case, she resides with a child from a previous relationship and another child, born March 4, 1994, she has in common with another adult who resided in her home from February through some time in April, 1994. Prior to April 1, 1994 the petitioner received ANFC for herself and her older child based on the "absence" of that child's father. When the child in common was born, the Department notified the petitioner that beginning April 1, 1994, her ANFC grant would be reduced because, although the father and the child in common were added to the ANFC grant, the father's unemployment benefits would be "deemed" as income available to all four household members.

At the hearing in this matter (held on April 27, 1994) the petitioner indicated that the father of the younger child had recently left the household. The petitioner was advised to report this fact to her caseworker and that, if this were the case, the reduction in her ANFC would be affective only for the time in April that the father was living with her.

The petitioner, who appeared *pro se*, took no issue with the facts and figures relied upon by the Department in its determination. Although she strongly disagrees with the effect and rationale of the regulations in question, she could not dispute that the Department was applying those regulations correctly to her situation as it existed as of April 1, 1994.

ORDER

The Department's decision is affirmed.

REASONS

Over the past several years the Board has considered dozens of appeals concerning the provisions in the regulations, adopted pursuant to the 1984 DEFRA amendments to the federal ANFC statutes, mandating the inclusion in an ANFC household of all siblings, and parents of those siblings, who reside with ANFC-eligible children, and "deeming" the income of those siblings as "available" to the entire ANFC household. See Fair Hearing Nos. 6648 et al. and W.A.M. § 2242. It is clear in this matter that the Department has correctly followed what the United States Supreme Court has upheld as a valid procedure for determining the ANFC eligibility of individuals in the petitioner's circumstances.⁽¹⁾ Therefore, the Board has no choice but to affirm the Department's decision. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

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1. See Bowen v. Gilliard, 55 U.S.L.W. 5079 (1987).