

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 12,966

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Appeal of)

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INTRODUCTION

The petitioner appeals a decision of the Department of Social Welfare reducing her Food Stamps based on an increase in her income.

FINDINGS OF FACT

1. The petitioner is a recovering alcoholic who, prior to the action at issue, received about \$190.00 monthly from General Assistance funds and a Food Stamp allotment of \$112.00 calculated upon that GA income and her reported shelter expenses of \$250.00 per month.
2. In July of 1994, the Department of Social Welfare learned that the petitioner had been found eligible for SSI benefits of \$500.87 per month. Based on that information, the petitioner was sent a notice dated July 12, 1994, informing her that her Food Stamp allotment would decrease from \$112.00 to \$20.00 per month because "allowed shelter and utility costs went down from \$376.06 to \$65.06.
3. The petitioner appealed that decision because she believed the decision was based upon erroneous information that her living expenses had decreased and because she needed more Food Stamps to supplement her income.
4. At the hearing, the evidence showed that the reduction in benefits had actually occurred because the petitioner's income went up, not because her shelter expenses had gone down, although the effect of the increase in income was a reduction in the amount of a shelter allowance deduction which the petitioner could receive under the regulations. Her eligibility was determined by reducing her income by a \$131.00 standard deduction and a \$65.06 shelter allowance⁽¹⁾ deduction for a countable total income of \$304.81. That figure was determined to have warranted a payment of \$20.00 in Food Stamps.
5. The petitioner argued that the amount of money she gets does not meet her expenses. She asked for consideration for the gas and car repairs she must make in order to attend her many (two to three per day) AA meetings, some several miles out of town, for recovery from alcoholism. However, she did not present any figures indicating amounts spent on these activities. She also stated that she would have

additional expenses beginning in October of 1994, when she moved to a new apartment which rents for \$375.00 per month. The petitioner was advised that she should report that change to the Department immediately and ask for a recalculation of her future benefits.

ORDER

The Department's decision is affirmed.

REASONS

The petitioner's SSI income must be considered and counted as unearned income when eligibility for Food Stamps is determined. F.S.M. 273.9(b)(2)(i). She is entitled to certain deductions from this unearned income before her benefit amount is determined including: a standardized deduction of \$131.00⁽²⁾, F.S.M. 273.9(d)(1), P-2590A-1; an excess medical deduction when certain medical expenses⁽³⁾ exceed \$35.00 per month, F.S.M. 273.9(d)(3); and a shelter and utility allowance, F.S.M. 273.9(d)(5) and (6).⁽⁴⁾

The only expenses which were documented by the petitioner were her shelter expenses. It appears that the Department properly calculated her shelter deduction allowance by figuring the difference between her shelter costs and half her unearned income. See F.S.M. § 273.9(d)(5), 273.10(e)(1), Procedures Manual § 2590D. She did not document any expenses relating to her medical problems, either because she did not have any significant (exceeding \$35.00 per month) medical expenses or because she did not know that she could document and get deductions for these expenses.

Based on the evidence presented, the Department's decision on the Food Stamp allotment amount for which the petitioner is eligible appears to be correct. A single person with the petitioner's income (prior to October 1, 1994) was eligible for only \$20.00 per month in Food Stamps. Procedures Manual 2590 D4. If the petitioner has evidence showing that she will have more shelter expenses in the future or had excess medical expenses in the past, she is encouraged to provide that information to the Department and request a recalculation of her Food Stamp benefits. If she is not satisfied with the Department's response, she can again appeal to the Board.

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1. The shelter allowance itself was calculated as follows:

\$500.87 SSI income
- <u>\$131.00</u> standard deduction
\$369.87
50% of \$369.87 = \$184.94
\$250.00 shelter expense

-\$184.94

\$65.06 allowed shelter deduction

2. That deduction was raised to \$134.00 on October 1, 1994 after the time period at issue in the appeal.

3. Medical expenses can include, among many other items, the cost of medications, rehabilitation services provided by licensed practitioners or other qualified health professionals and the reasonable cost of transportation to obtain such medical treatment or services.

4. Other deductions are also available for dependent care and earned income expenses which are not applicable here. See generally, F.S.M. § 273.9(d).