

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 13,157

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare terminating her supplemental fuel assistance and reducing her food stamp benefits. The issue is whether changes in the petitioner's housing situation justified the affect on her benefits under the pertinent regulations.

FINDINGS OF FACT

The facts are not in dispute. Prior to September, 1994, the petitioner and her family lived in an apartment and incurred rent payments of \$487.00 a month, including heat, and utility payments of about \$60.00 a month. Based on these expenses the petitioner received food stamps of \$333.00 a month and fuel assistance of \$28.00 a month.

In September the petitioner's family moved to a residence her family shared with another individual who was already receiving full fuel assistance. The petitioner's rent for the new apartment is \$350.00 a month, fuel and utilities included. Based on this new living arrangement the Department terminated the petitioner's fuel assistance and reduced her food stamps to \$271.00 a month.

ORDER

The Department's decision is affirmed.

REASONS

Under the fuel assistance regulations individuals who share a living arrangement with a person or persons who receive an "unprorated" fuel assistance benefit are excluded from eligibility for the supplemental fuel benefits. W.A.M. § 2902.4(7).

Under the food stamp regulations, certain households qualify for a "standard utility allowance" that can be applied to their shelter expenses, which can be deducted from their income. F.S.M. § 273.9(d). When the petitioner moved, her new living situation resulted in a lowered standard utility allowance (F.S.M. §

273.9[d][6][ii]) and a lower shelter expense deduction (F.S.M. § 273.9[d][5]). This resulted in a lower food stamp payment amount. [\(1\)](#)

The Department's calculations appear to be correct under the regulations. Therefore, the Department's decision is affirmed. 3 V.S.A. § 3091(d) and Food Stamp Fair Hearing Rule No. 17.

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1. The petitioner lost \$28.00 in fuel assistance and \$64.00 in food stamps each month. Although this is substantial, her reported shelter expenses decreased by about \$200.00 a month when she moved.