

Human Services Board, Katherine Weber, and Christina Byrom

Daniel Jerman, Hearing Officer

September 14, 1995

Fair Hearing No. 13,845

#### INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare closing her ANFC grant. The issue is whether the father of the petitioner's child must be included in the petitioner's ANFC household and whether the father's income must be considered in determining the family's eligibility for ANFC.

#### PROPOSED FINDINGS OF FACT

The facts are not in dispute. The petitioner applied for ANFC last winter when she was six months pregnant with her first child. At the time the father of the child was living with the petitioner but was

unemployed. The Department found the petitioner eligible for ANFC based on its rules regarding eligibility for women in the third trimester of pregnancy.

The petitioner's child was born on April 30, 1995, and the petitioner began receiving ANFC for herself, the father, and the child based on the father's unemployment.

In July, 1995, the father began working. Based on his earnings (the amount of which is not in dispute) the Department determined that the household no longer qualified for ANFC.

Unfortunately for the petitioner, however, the father maintains that he is not bound to support her, only the child. The petitioner disputes the policy whereby she cannot separately qualify for ANFC for herself, even though the father of her child remains in the household and is employed.

#### RECOMMENDATION

The Department's decision should be affirmed.

#### REASONS

W.A.M. § 2242 includes the following provision:

The parent(s) of each and every child included in the ANFC assistance group must also be included in the ANFC assistance group if he or she lives in the home with the children.

It is important to point out that this is not a "DEFRA" or a "welfare reform" case in which the petitioner has been found ineligible due to a recent change in the regulations. To the hearing officer's knowledge, the parents of a child whose other parent also resides in the same household has never been eligible for ANFC as an individual separate from the other parent. Inasmuch as the Department's decision in this matter is in accord with the pertinent regulations, it must be affirmed.<sup>(1)</sup> 3 V.S.A. § 3091(d) and Fair Hearing Rule No 19.

**THIS MATTER WILL BE CONSIDERED BY THE BOARD AT A MEETING IN MONTPELIER ON WEDNESDAY, SEPTEMBER 27, 1995. THE MEETING WILL BE HELD AT THE NATIONAL LIFE INSURANCE COMPANY - NORTH BUILDING (SEE ATTACHED MAP), IN THE TRANSPORTATION/MAINTENANCE CONFERENCE ROOM, 4TH FLOOR, AND WILL BEGIN AT 9:30 A.M., ALL VISITORS ARE REQUIRED TO SIGN IN AT THE FRONT DESK AS THEY COME INTO THE BUILDING. DIRECTIONS TO THE CONFERENCE ROOM WILL BE PROVIDED BY THE RECEPTIONIST AT THE FRONT DESK.**

1. At the hearing the Department advised the petitioner of her options for eligibility if her living arrangements should change.