

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,262

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Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department of Social Welfare regarding the amount of his Food Stamp allotment.

FINDINGS OF FACT

1. The petitioner is a man whose sole source of income is \$517.41 in SSI benefits. He lives in his truck and has no shelter expenses, although his vehicle costs him \$287 per month and his car insurance is \$25 per month. He estimates that the cost of gas to heat his car is \$4.00 per day.
2. The petitioner applied for Food Stamps in February of 1996, and was certified as eligible from March 1, 1996 to August 31, 1996 in the amount of \$10 per month.
3. The petitioner's eligibility was calculated by deducting the standard amount, \$134, from his unearned SSI income for a countable income of \$383.41.
4. The Department indicated at hearing that it had not given the petitioner a homeless shelter allowance of \$143 per month because he did not indicate he might have shelter expenses. If it had, the petitioner would have a countable income of \$240.41, which the Department maintains would not have raised the amount of Food Stamps above \$10 per month.
5. The petitioner was told in writing by the Department that he might be able to have the cost of his diabetic strips deducted from his income if he provided verification of the medical necessity of the strips and a receipt for their monthly cost. The petitioner did verify the medical necessity but never verified the amount he spends. In April of 1996, Medicaid began to pick up the cost of the strips and the petitioner was no longer liable to pay for them.

ORDER

The decision of the Department is affirmed.

REASONS

Under the regulations governing calculation of Food Stamp income, the petitioner's SSI income is countable as unearned income. F.S.M. 273.9(b)(2)(i). From that amount, the petitioner is entitled to a standard deduction of \$134 (F.S.M. 273.9(d)(1); P-2590A-1); the portion of medical expenses (including drugs prescribed by a physician) in excess of \$35 per month, (F.S.M. 273.9(d)(3)(iii)); and a standard estimate of \$143 for his shelter expenses if he is homeless and reasonably expects to incur shelter costs during a month. (F.S.M. 273.9(d)(5)(i.)). If he incurs no shelter costs during the month, he shall not be eligible for the standard estimate.

In this case, the petitioner received only the standard deduction, and not the excess medical deduction, because he failed to verify the amount of his medical expenses after a written request was made. At the time of the hearing, the petitioner still did not have verification of those expenses. Under the Department's regulations, the amount of any medical expenses deductible as an excess medical expense must be verified or it cannot be used. F.S.M. 273.2(f)(1)(iv).

The petitioner did not receive the excess shelter expense deduction because he was not assigned any shelter costs. However, if his gas were taken into account as a shelter expense, and the allowance were offered, that amount, \$143, would only be allowed to the extent that it was in excess of 50% of his net income after deductions. F.S.M. 273.9(d)(5)(ii). Fifty per cent of the petitioner's net income is \$191.70 which is certainly greater than the \$143 shelter amount. Even under the most generous scenario, then, the petitioner is not entitled to an excess shelter deduction.

The petitioner's final countable food stamp amount is \$383.41 as the Department correctly calculated. A one person household with that income is entitled to only \$10 per month in Food Stamps. P2590(D)(5).

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