

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,301

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Appeal of)

INTRODUCTION

The petitioner appeals the decisions by the Department of Social Welfare reducing her food stamps and denying her application for supplemental fuel assistance. The issue is whether the Department correctly calculated the petitioner's shelter expenses in determining her eligibility for these programs.

FINDINGS OF FACT

The facts are not in dispute. Prior to January 1, 1996, the petitioner received food stamps of \$119 a month. In January, the petitioner came in to the Department for a regularly scheduled review of her food stamps and she applied for supplemental fuel assistance. At the time the petitioner verified that her rent (in subsidized housing) was \$186 a month.

Based on the petitioner's income and shelter expenses the Department determined that the petitioner was ineligible for fuel assistance. The petitioner does not dispute the Department's calculations.

In reviewing the petitioner's food stamps the Department discovered that prior to January 1, 1996, it had calculated the petitioner's food stamps based on a rent statement from the petitioner's landlord that her rent was \$319 a month. The petitioner admits that this was erroneous and that her rent had been \$186 all along.

Using the correct rent figure, and considering an increase in the petitioner's SSI that became effective January 1, 1996, the Department notified the petitioner that her food stamps were being reduced to \$90.00 a month. Again, the petitioner takes no issue with the Department's actual calculations.

It thus appears that prior to her case being reviewed the petitioner received more in food stamps than she was entitled to based on the Department's use of incorrect information regarding the petitioner's shelter costs.⁽¹⁾ The petitioner does not dispute that the Department's recent decision is based on an accurate assessment of her expenses and circumstances.

ORDER

The Department's decisions is affirmed.

REASONS

The petitioner does not dispute that as of January 1, 1996, the Department determined her eligibility for food stamps and fuel assistance based on an accurate determination of her income and expenses. Based on the regulations (see Food Stamp Manual § 273.10 and W.A.M. § 2904) the Department's calculations appear to be correct. Thus, the Board is bound by law to affirm the Department's decisions. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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1. As of the date of the hearing in this matter (April 17, 1996) the Department had not notified the petitioner of any prior overpayment. This fair hearing is concerned only with the petitioner's present benefit payments.