

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,434

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare reducing his Food Stamps from \$119 to \$10 per month. The issue is whether the Department correctly calculated the petitioner's benefits in light of his income and expenses.

FINDINGS OF FACT

The facts are not in dispute. Prior to June, 1996, the Department calculated the petitioner's Food Stamps on the basis of his monthly income, which then consisted solely of Veterans benefits of \$338 a month. The Department then learned that the petitioner had also begun receiving Social Security benefits of \$350 a month. Based on this more-than-doubling of the petitioner's income, the Department reduced the petitioner's Food Stamps from \$119 to \$10 a month.

The petitioner has no dependents and lives in subsidized housing (Section 8). He pays \$133 a month rent and about \$100 a month for fuel and utilities. His only medical expenses are \$2.00 copayments each time he gets a prescription filled through medicaid.

ORDER

The Department's decision is affirmed.

REASONS

Under the regulations (Food Stamp Manual § 273.10[e]) the Department has allowed the petitioner all the deductions from his income for which he qualifies--i.e., a "standard deduction" of \$134 and a "shelter and utility deduction" of \$173 from his gross income of \$678. This leaves the petitioner with a net "food stamp income" of \$371. The regulations (Procedures Manual § P-2590 C) provide that this entitles the petitioner to \$10 a month in Food Stamps.

Inasmuch as the Department's decision in this matter is in accord with the regulations, the Board is bound by law to affirm it. 3 V.S.A. § 3091(d) and Fair Hearing Rules No. 17.

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