

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 14,465

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Appeal of )

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INTRODUCTION

The petitioner appeals a decision of the Department of Social Welfare finding that she is not entitled to an increase in her Food Stamp benefits based on increased day care costs.

FINDINGS OF FACT

1. The petitioner is a Food Stamp recipient who has income of \$524.91 from SSI, \$50.00 from a child support passalong and \$326.00 from ANFC. She lives in a two person household with her eight-year-old child. She had been receiving a Food Stamp benefit of \$10 per month.
2. Recently the petitioner commenced a self-employment venture from which she has yet to reap any countable income. However, she has out-of-pocket child care expenses associated with this venture of \$74.00 per month. She asked the Department to recalculate her Food Stamp eligibility in light of these new expenses.
3. The Department did recalculate her income as follows. From her total income of \$900.91 per month, the Department deducted a standard amount of \$134.00 and the \$74.00 in out-of-pocket day care expenses for a total countable income of \$692.91 per month. The petitioner's shelter total is \$345 (a \$312 standardized fuel and utility amount added to her \$33 rent in subsidized housing). As this amount is less than half of her countable income, she was not allowed an excess shelter deduction. This new countable income amount is \$74.00 (the amount of the out-of-pocket expenses) less than the old countable amount of \$766.91. However, the Department awarded the same Food Stamp amount to the petitioner, \$10 per month, based on its allotment table for a two person household.

ORDER

The decision of the Department is affirmed.

## REASONS

The Food Stamp regulations allow the petitioner a deduction from income for "the actual costs for the care of children or other dependents when necessary for a household member to accept or continue employment, comply with the employment and training requirements as specified under 273.7(f), or attend training or pursue education which is preparatory to employment." F.S.M. § 273.9(d)(4).

The petitioner received that deduction as required by the regulations. She can only get an excess shelter deduction if she spends fifty per cent or more of her monthly income after the above deductions on shelter. F.S.M. § 273.10(e)(1)(i)(F). The undisputed facts show that the petitioner's monthly shelter expense of \$345 is just under fifty per cent of her net monthly income (\$692.91). Therefore, she has received all the deductions to which she is entitled based on the above facts.

The coupon allotment tables found at P-2590 D7 provide for a \$10 payment to all two person households who have a net income between \$690.04 and \$1,046.69. Therefore, a \$74 decrease in her countable income from \$766.91 to \$692.91 does not change her Food Stamp amount. As the Department's decision is in accord with its regulations, it must be upheld. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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