

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,504

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare reducing her Food Stamps. The issue is whether the petitioner's standard fuel and utility deduction should be prorated due to the fact that she shares housing costs with a roommate.

FINDINGS OF FACT

The facts are not in dispute. The petitioner lives in an apartment with a roommate who is not related to her and who is not receiving Food Stamps. The petitioner shares all housing costs with her roommate on an equal (50/50) basis. Besides rent, they presently pay \$84.00 a month for electricity on a budget plan. This includes their heating costs because the apartment has electric heat. The petitioner's share of the electric bill is \$42.00 a month.

In calculating the petitioner's Food Stamps, the Department allowed the petitioner, among other things, a deduction from her income of one half of the standard "fuel and utility allowance". This was based on the petitioner's prorated share of the utility costs.

The petitioner argues that she should receive the full fuel and utility allowance--not prorated--because if she lived in the apartment alone she would incur the same costs for heat and utilities.

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp regulations provide that in determining benefit amounts, households may deduct from their income the greater of either their actual costs for fuel and utilities or a standard fuel and utility allowance established by the Department. Food Stamp Manual (FSM) § 273.9(d)(6). In this case the Department allowed the petitioner a fuel and utility deduction of \$159, which is one half of the usual

fuel and utility allowance of \$318 (See Procedures Manual § P-2590A).

Section 273.9(d)(6)(viii) of the regulations contains the following provisions regarding proration:

If the household shares utility expenses with, and lives with, another individual not participating in the Food Stamp Program, another household participating in the Food Stamp Program, or both, the allowance shall be prorated among the household and the other individual, household, or both, provided, that the State agency may, if it is unable to accurately determine the prorata share of utility costs paid by the parties, use the actual utility costs paid by each household. Under no circumstances shall the total amount of utility costs used to determine the amount of the deduction exceed the total amount of actual utility costs for the residence.

Vermont - The proration of the standard allowance for shared households will be equal for each of the sharing households. For example, if two households live together and share utility expenses, each would be entitled to one-half of the standard allowance.

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

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