

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,579

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare terminating her Food Stamps. The issue is whether the petitioner's income is greater than the maximum gross income test established by the regulations.

FINDINGS OF FACT

The facts are not in dispute. The petitioner lives with her minor child, and, until recently, was receiving Food Stamps of \$192.00 a month. The petitioner recently began working at a full-time job that pays her \$8.00 an hour, for a gross income of over \$1,300.00 a month. When she began working the Department terminated her ANFC benefits, an action which the petitioner does not dispute. Although the petitioner's income presently also exceeds the gross income test to qualify for Food Stamps (see below), the petitioner was advised to reapply if her income is reduced or if there are changes in her household composition.

ORDER

The Department's decision is affirmed.

REASONS

Families who are not receiving public assistance (ANFC) and who do not contain at least one elderly or disabled member qualify for Food Stamps only if their gross monthly income is below the standards set by the Department in its regulations. See Food Stamp Manual (FSM) § 273.9(a). The maximum gross income for a household of two persons is \$1,123.00 a month. See Procedures Manual § P-2590 C. Inasmuch as the petitioner's income is in excess of this amount she no longer qualifies for Food Stamps. The Board is bound by law to affirm decisions by the Department that are in accord with the regulations. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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