

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,641

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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 from \$120 to \$10 a month. The issue is whether a debt the petitioner owes from a previous living arrangement qualifies as a shelter expense within the meaning of the pertinent regulations.

FINDINGS OF FACT

The facts are not in dispute. The petitioner moved to Morrisville from out of state in August, 1996. The only living arrangement she could find was a "B & B program" at a local inn. When she applied for Food Stamps the Department calculated her shelter expenses at \$1,200 a month, and found her eligible for Food Stamps of \$120 a month.

In October, 1996, the petitioner moved into the home of a local pastor in Morrisville. Although the situation was considered temporary and no formal rental arrangement existed, based on information provided by the pastor the Department determined the petitioner's shelter expenses to be \$600 a month and reduced the petitioner's Food Stamps to \$10 a month..

In November, 1996, after only two weeks in the home of the pastor the petitioner moved to Middlebury, and found a house rental. Based on information provided by the petitioner regarding her new housing situation the Department continued the petitioner's Food Stamps at \$10 a month.⁽¹⁾

The petitioner alleges, however, that she still owes the inn in Morrisville \$1,000 from the time she lived there, and that they have agreed that she will make monthly payments of \$100 to satisfy this debt. The issue in this case is whether the petitioner can count these \$100-a-month payments toward her current shelter expenses in calculating her ongoing eligibility for Food Stamps.

ORDER

The Department's decision is affirmed.

REASONS

Food Stamp Manual (FSM) § 273.9(d)(5)(ii) includes the following provisions:

Shelter costs shall include only the following:

A. Continuing charges for the shelter occupied by the household. . . .

B. Property taxes, State and local assessments, and insurance. . . .

C. (Utilities). . . .

D. The shelter costs for the home if temporarily not occupied by the household because of employment or training away from home, illness, or abandonment caused by natural disaster or casualty loss. . . .

E. Charges for the repair of the home which was substantially damaged due to a natural disaster. . . .

No other types of shelter costs except the above are provided for in the regulations. The monthly payments the petitioner makes on a previous housing debt do not qualify under any of the above provisions. Therefore, the Department's decision in this matter must be affirmed. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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1. Based on new information alleged by the petitioner at the hearing regarding her current expenses the Department advised the petitioner to see her caseworker to consider whether this would affect her Food Stamps.