

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,737

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare closing his Food Stamp benefits. The issue is whether the petitioner failed to verify that his income and resources are under the program maximums.

FINDINGS OF FACT

The petitioner is a single man who was an ongoing recipient of Food Stamps. In the fall of 1996, the Department undertook a routine scheduled certification review of the petitioner's case. On his application the petitioner indicated that he owned a rental apartment in Vermont and another in Washington, D.C. In an interview with his caseworker the petitioner stated that he did not file income taxes because he made no money from the apartments. He stated that he had no job, no cash resources, and lived basically on small gifts from his family and friends.

In December, 1996, the Department notified the petitioner his Food Stamps would close due to his failure to provide sufficient information regarding his income and resources. At a fair hearing on February 3, 1997, the Department agreed to allow the petitioner another opportunity to provide verification of his circumstances in a manner deemed suitable by the Department. Subsequent information provided by the petitioner led the Department to determine that the petitioner had still not sufficiently verified certain cash gifts he had received from his family.⁽¹⁾

At a hearing held on April 8, 1997, the petitioner testified that in 1995 his parents had made a "gift" to him of \$10,000. He said he spent about half of it and sent about \$5,000 back to his mother for her to invest for him. The petitioner claims he has never seen the investment, but that his mother sends him the income from the investment on a yearly basis, which the petitioner says he uses to take a vacation. The petitioner provided the name and address of the broker who he says handles the investment, but he maintains that he shouldn't be required to furnish any further information about the investment because his mother is the one who deals with the broker. The petitioner does not allege that his mother will not cooperate in furnishing this information.

Based on the petitioner's testimony and demeanor it is found that the petitioner has refused without good cause to provide sufficient information to the Department regarding this investment.

ORDER

The Department's decision is affirmed.

REASONS

The combined resource limit for Food Stamps is \$2,000. Food Stamp Manual (F.S.M.) § 273.8(b). The petitioner has admitted that his mother handles a cash investment for him of around \$5,000, but he refuses to provide any further verification of it even though he apparently has the means to do so. In addition to the conclusion that the petitioner has failed to adequately verify the details of this investment (F.S.M. § 273.2[h][2][A]), its admitted existence must be considered to constitute a resource in excess of the program maximum, which further justifies the Department's decision to close his Food Stamps. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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1. The petitioner was able to satisfy the Department regarding the status of all his real property.