

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,784

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare reducing his Food Stamps. The issue is whether a recent increase in the petitioner's income results in a decrease in his Food Stamps.

FINDINGS OF FACT

The facts are not in dispute. The petitioner's sole income is a monthly V.A. disability payment. In November 1996, the petitioner's V.A. benefits were increased from \$760 to \$860 a month because his wife had recently given birth to their first child. On December 18, 1996, the Department notified the petitioner that because of this increase in income his Food Stamps would be reduced from \$248 to 203 a month effective January 1, 1997.

On January 1, 1997, the petitioner received a cost of living increase in his V.A. benefits from \$860 to \$904 a month. On January 8, 1997, the Department notified the petitioner that due to this additional increase in his income his Food Stamps would be reduced from \$203 to \$183 a month effective February 1, 1997.

The petitioner argues that the increased expenses of having a child more than offset the recent increases in his V.A. benefits; and that as a result his Food Stamps should not be decreased.

ORDER

The Department's decision is affirmed.

REASONS

In the Department's Food Stamp regulations, which are based on federal regulations, there is no provision for allowing a deduction from income for the increased expenses of having a child.⁽¹⁾ See F.S.M. § 273.9. There is no question in this case that the Department correctly calculated the Food Stamp amount payable to a household with the petitioner's income. See Procedures Manual § P-2590 A. Therefore, inasmuch as the Department's decision in this matter is consistent with the applicable regulations it must be affirmed. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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1. Prior to the reductions that are at issue in this matter the petitioner's Food Stamps had been increased to an amount payable to a three person household when his wife had the child.