

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 14,799

)

Appeal of )

)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying his application for 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 alone and receives unemployment compensation of \$933.10 a month. The petitioner feels that his child support payments of \$279 a month should be deducted from the Department's gross income test for food stamp eligibility.<sup>(1)</sup>

ORDER

The Department's decision is affirmed.

REASONS

Families and individuals 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 one person is \$839 a month. See Procedures Manual § P-2590 C. Unfortunately, there are no deductions of any sort allowed before application of the gross income test. Inasmuch as the Department's decision is in accord with the regulations, the Board is bound by law to affirm it. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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1. It appears that the petitioner's child support obligation was established when he was working. The petitioner indicated that he has not sought to reduce this obligation since he became unemployed.