

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,822

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Appeal of)

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INTRODUCTION

The petitioner appeals the decisions by the Department of Social Welfare denying her applications for Supplemental Fuel Assistance. The issue is whether the petitioner's household income exceeded the program maximum.

FINDINGS OF FACT

The facts are not in dispute. The petitioner lives with her husband and an adult sister. The petitioner and her sister both receive Social Security disability benefits. The household applied for fuel assistance on September 24, 1996.

The maximum gross income under the program for a household of three persons is \$1,353 per month. See Procedures Manual § P-2905 B. Households are allowed a deduction from gross income of \$100 for each household member who is disabled. At that time the petitioner's husband was working full time, and the household's gross income was \$3,292. Even with a \$200 deduction for the petitioner and her sister being disabled, this income was far in excess of the program maximum.

The petitioner's husband became unemployed in November and began receiving unemployment benefits. The petitioner maintains that she indicated on her September application that her husband expected to be unemployed.

The petitioner was out of the country when the Department mailed her the notice that her application had been denied. She did not receive the denial notice until she returned on January 6, 1997. On January 18, 1997, she filed another application for assistance based on her husband's unemployment. The Department denied this application as being filed after the deadline of December 31, 1996.

At the hearing in this matter, held on April 11, 1997, the Department maintained, and the petitioner did not dispute, that based on the petitioner's husband's unemployment of \$947 a month, the household income as of November, 1996, was \$1,931 a month. Again, even with the \$200 disability deduction, this placed the household well over the \$1,353 maximum.

RECOMMENDATION

The Department's decision is affirmed.

REASONS

Even if the Department were to allow the petitioner's second application as timely,⁽¹⁾ or to allow the petitioner to retroactively amend her September application, the undisputed facts are clear that the petitioner's household income, even after her husband became unemployed, was well in excess of the program maximum. Inasmuch as the Department's decisions were in accord with the pertinent regulations, the Board is bound by law to affirm them. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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1. The Board has recently ruled in several cases that the December 31, 1996, application deadline was final. See e.g., Fair Hearing No. 13,627