

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 14,869

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Appeal of )

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying his applications for ANFC, Medicaid, and Food Stamps. The issue is whether the petitioner's income is in excess of the maximums for those programs.

FINDINGS OF FACT

The facts are not in dispute. The petitioner is presently unemployed and receives unemployment compensation of \$933.10 a month. His wife is employed and has gross earnings of \$833.78 a month. They have two minor children. The Department denied the petitioner's applications for ANFC, Medicaid, and Food Stamps on the basis of excess income. The petitioner submitted documents alleging that his family's household expenses exceed their current income. He argues that the regulations should be more liberal as to their maximum income standards and in allowing households to deduct their actual expenses in determining their eligibility for the Department's programs.<sup>(1)</sup>

ORDER

The Department's decision is affirmed.

REASONS

The petitioner's gross household income is \$1,766.88 a month. The gross income test for Food Stamps for a family of four is \$1,690 a month. Food Stamp Manual § 273.9(a) and Procedures Manual § P-2590 C. The basic needs standard for ANFC is \$1,352 a month for a family of four. The corresponding ANFC payment (which is presently set at 53.2% of need) is \$719 a month. Welfare Assistance Manual §§ 2245.2, 2245.24, and 2245.3. The maximum income test for Medicaid only is \$991. Medicaid Manual § M350 and Procedures Manual § P2420 B.

The petitioner's family income is close to, but still over, the gross income test for Food Stamps. For ANFC and Medicaid it is far over (for ANFC, and nearly so for Medicaid, his income from

unemployment compensation alone places the family over the program payment maximums). Therefore, the Board is bound by law to affirm the Department's decisions. 3 V.S.A. § 3091(d), and Fair Hearing Rule No. 17.

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1. The petitioner and his wife also have several bank accounts and life insurance policies which are most likely in excess of the various resource limitations in the various programs. These assets were the subject of a prior fair hearing involving the petitioner. However, because of the petitioner's excess income the Department has made no updated decision concerning these assets.