

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 14,994

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Appeal of)

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INTRODUCTION

The petitioner appeals the decisions by the Department of Social Welfare closing her Food Stamps and Essential Person (EP) grants. The issue is whether the petitioner's household income exceeds the maximums under those programs.

FINDINGS OF FACT

The facts are not in dispute. The petitioner is disabled and receives SSI benefits. Her husband is a self-employed consultant. Prior to February, 1997, the petitioner also received EP benefits for an unrelated adult who lived in the petitioner's home and who provided household help to the petitioner. The petitioner and her husband also received Food Stamps.

In November, 1996, the petitioner and her husband took custody of the petitioner's young goddaughter. On February 2, 1997, the petitioner applied for ANFC. On the application the petitioner indicated that the woman who had been her "essential person" was no longer living in the household. When the Department questioned her about this the petitioner indicated that she would like to have her husband designated as her essential person. The petitioner was advised to provide verification of her husband's income.

Providing information regarding her husband's income proved difficult for the petitioner. He had not yet filed his 1996 income tax returns and did not keep an ongoing ledger of his business. The petitioner did furnish the Department with a copy of her husband's 1995 tax return, which showed an income for that year of \$20,982. When the petitioner did not provide information regarding her husband's 1996 and 1997 income the Department, by notice dated April 16, 1997, denied the petitioner's application for ANFC, and closed the petitioner's EP and Food Stamps for failure to provide income verification.

At the hearing in the matter on June 25, 1997, the parties agreed that the matter would be continued to allow the petitioner's husband to provide alternative business records to verify his income. The records he subsequently provided showed that he averaged over \$1,600 a month in income for the first four months of 1997. Based on this information the Department confirmed its decision closing the petitioner's EP and Food Stamps. The Department granted the petitioner's application for ANFC solely for the needs of the petitioner's goddaughter.

At a hearing on July 16, 1997, the petitioner indicated that she did not disagree with the Department's determination of her household income as of April 30, 1997. The petitioner was advised that if she could verify that her husband's earnings had declined after that date, she could reapply for those benefits.

ORDER

The Department's decisions is affirmed.

REASONS

The maximum gross income allowable under the Food Stamp regulations for a household of three persons is \$1,407. Procedures Manual § P-2590C. For EP eligibility a couple's income must be below \$977. Id. § P-2740B. As noted above, the petitioner does not dispute that her household's income as of April, 1997, was well in excess of these amounts. Therefore, the Department's decisions must be affirmed. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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