

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 15,397
)
Appeal of)

INTRODUCTION

The petitioners appeal the decision by the Department denying his application for Food Stamps. The issue is the effect that the value of a car owned by the petitioners has on their countable resources for Food Stamp eligibility under the pertinent regulations. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioners own a late model Oldsmobile Bravura that was recently appraised for \$9,100. They owe about \$8,200 on it.

2. They also own two other older vehicles worth a total of about \$1,200.

3. The petitioners are presently unemployed. None of the vehicles has been used for employment other than commuting.

4. The Department denied the petitioners' application for Food Stamps based on these vehicles constituting resources in excess of the program maximum.

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp regulations regarding the treatment of motor vehicles is summarized in F.S.M. § 273.8(h)(6) as follows:

In summary, each licensed vehicle shall be handled as follows: First it will be evaluated to determine if it is exempt as an income producer or as a home. If not exempt, it will be evaluated to determine if its fair market value exceeds \$4,650. If worth more than \$4,650, the portion in excess of \$4,650 for each vehicle will be counted as a resource. The vehicle will also be evaluated to see if it is equity exempt as the household's only vehicle or necessary for employment reasons. If not equity exempt, the equity value will be counted as a resource. If the vehicle has a countable market value of more than \$4,650 and also has a countable equity value, only the greater of the two amounts shall be counted as a resource.

The same regulation also provides that only households receiving ANFC as a Group 2 or Group 3 household are eligible for the one-vehicle-per-household equity exclusion and that only vehicles used "for income producing purposes" or essential for employment "other than daily commuting" (such as for a "travelling salesman or of a migrant farmworker following the workstream") are likewise excluded from consideration.

The Department, in applying the above provisions to the petitioners' situation, correctly determined that their Oldsmobile is not exempt. Even without counting the value

of the petitioners' other two vehicles, because the amount by which the Oldsmobile's value of \$9,100 exceeds \$4,650 is more than \$2,000, which is the Food Stamp resource maximum (see F.S.M. § 273.8[b]), the Department is correct in determining that the petitioners are ineligible for Food Stamps.

The Department's decision is clearly in accord with the applicable regulations, and must, therefore, be affirmed. 3 V.S.A. 3091(d) and Fair Hearing Rule No. 17.

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