

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 16,905  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals a decision by PATH decreasing his Food Stamp allowance based on decreased shelter expenses.

FINDINGS OF FACT

1. The petitioner lives with his seventeen-year-old daughter in a home owned by his brother. Their total income from Social Security and SSI is \$818.04 per month.

2. The petitioner began living with his brother last Fall and pays him \$226 per month as his share of the rent, which includes heat. His rent is federally subsidized through the Section 8 program. He pays half of the gas for the stove and hot water and half of the electric bill. Those payments average around \$63 per month. He pays a dollar a week for rubbish removal.

3. The petitioner was notified by the Department in late December that his Food Stamps would decrease from \$143 to \$36 per month because his shelter expenses had gone down when he began to live with his brother. The Department calculated

the allowable shelter expense by looking at the extent to which his shelter expense exceeds 50% of his adjusted gross income. His adjusted gross income was determined to be \$684.04. Half of that is \$342.02. His actual shelter was determined to be \$353 (\$226 in rent and \$127 for utilities as determined from a standardized table)<sup>1</sup>. His shelter expense exceeds half of his income by \$10.98. That amount was further deducted from the \$684.04 adjusted gross income for a total of \$673.06. The Department determined that a two-person household with that amount of income is entitled to \$36 in Food Stamps.

4. Later in the year, the petitioner's income went up to \$844.04 but his housing expense went down to \$216 per month. Those changes resulted in a new adjusted gross income of \$710.04 (\$844.04 - \$134) per month, 50% of which is \$355.02. His actual expenses were \$343 per month (\$216 rent and \$127 utility allowance). Because the actual expenses were less than half of his adjusted income, the petitioner got no shelter allowance. The Department determined that a two-person household with \$710.04 per month is eligible for \$24 in Food Stamps.

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<sup>1</sup> The standardized amount is greater than the petitioner's actual utility expenses, thereby granting him an advantage.

5. The petitioner disputes this calculation because it does not take into account his car insurance and repairs and money he spends to take his brother to the hospital. He also must co-pay about \$6 per month for prescription drugs which he would like deducted. He says that \$24 per month is not enough to feed himself and his daughter.

ORDER

The decision of the Department is affirmed.

REASONS

Under the regulations (Food Stamp Manual § 273.10(e)), the Department has allowed the petitioner all the deductions from his income for which he qualifies--a "standard deduction" of \$134 (F.S.M. § 273.9(d)(1)) and a "shelter and utility deduction" (F.S.M. § 273.9(d)(5)) of \$10.98 in December and zero later on from his gross adjusted income. This left the petitioner with a net "food stamp income" of \$673.06 in December and \$710.04 later. The regulations (Procedures Manual § P-2590 C.) provide that this entitled the petitioner to \$36 in Food Stamps in December and \$24 in Food Stamps later on.

No deductions are allowed for expenses relating to automobiles. The regulations do allow deductions for excess medical expenses to the extent that they exceed \$35 per month. F.S.M. § 273.9(d)(3). The petitioner's own medical expenses are less than that amount. Of course, amounts that he spends to transport his brother to medical appointments are not his own medical expenses and cannot be considered to meet the \$35. As the Department has correctly calculated his Food Stamp deductions, the decision to decrease his Food Stamp benefits must be upheld.

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