

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 16,909
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of PATH denying her application her Food Stamps. The issue is whether the petitioner is ineligible for Food Stamps due to her status as a college student.

FINDINGS OF FACT

1. The petitioner, a single woman in her twenties, applied for Food Stamps on January 17, 2001. The petitioner informed the Department that she was enrolled as a full-time college student and was doing student teaching as part of her coursework. She is not paid for student teaching.

2. On January 24, 2001 the Department mailed the petitioner a notice denying her application due to her status as a college student.

3. The petitioner is not currently enrolled in work study program at her college.

ORDER

The Department's decision is affirmed.

REASONS

Food Stamp Manual § 273.5 provides that an able-bodied

person between the ages of 18 and 50 without dependents who is "enrolled at least half time in an institution of higher learning" shall be ineligible for Food Stamps unless she is gainfully employed for "a minimum of 20 hours per week". As noted above, the petitioner does not dispute that she is not currently working for pay at least 20 hours per week. At the hearing (held on March 1, 2001) the petitioner was advised that the regulations make an exception for students enrolled in a federal or state financed work study program, and that she should reapply if she obtains a work study position. However, inasmuch as the Department's decision in the matter was in accord with the pertinent regulations the Board is bound by law to affirm it. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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