

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 17,113  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals a decision by the Department of PATH terminating her Food Stamps. The issue is whether the Department must consider the income and resources of the petitioner's parents in determining the petitioner's eligibility for benefits.

FINDINGS OF FACT

1. The petitioner is twenty years old and has a young child. She and her child have been receiving Food Stamps since October 2000 as a household of two persons. The petitioner has always accurately reported her circumstances to the Department.

2. During a review in March 2001 the Department discovered that since October 2000 the petitioner and her child had been living with the petitioner's parents and that it had failed to factor this into the petitioner's Food Stamp eligibility. There is no dispute that the petitioner's parents' income is well in excess of the program maximum.

3. The Department mailed a notice to the petitioner in March advising her that her Food Stamps would be terminated. In April, the Department erroneously reversed this determination and so notified the petitioner. In May, the Department reinstated its initial decision terminating the petitioner's benefits.

ORDER

The decision of the Department is affirmed.

REASONS

Under the Food Stamp regulations, a "household" consists of "a group of individuals who live together and customarily purchase food and prepare meals together for home consumption". FSM § 273.1(a)(1)(iii). The regulations also provide that the income and resources of all members of a household must be considered in determining that household's eligibility for benefits. FSM § 273.9(b).

Section 273.1(a)(2) of the regulations includes the following provisions:

- i. The following individuals living with others or groups of individuals living together shall be considered as

customarily purchasing food and preparing meals together, even if they do not do so:

. . .

C. Parent[s] living with their natural, adopted, or step-children 21 years of age or younger.

Inasmuch as the petitioner in this case is twenty years old, the Department (eventually) correctly determined that her parents must be considered members of her household, and that the income and resources of her parents must to be included in determining her eligibility for Food Stamps. There being no dispute that the income of the petitioner's parents, if included, is in excess of the program maximum, it must be concluded that the Department's decision in this matter is in accord with the regulations. The Board is, therefore, bound by law to affirm that decision. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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