

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,117
)
Appeal of)

INTRODUCTION

The petitioner appeals the decisions by the Department of PATH terminating her ANFC and Food Stamp benefits. The issues are whether the father of the petitioner's child must be included as a member of the petitioner's household and whether his income must be considered in determining the household's eligibility for these programs.

FINDINGS OF FACT

1. The pertinent facts are not in dispute. The petitioner lives with her boyfriend, who is employed. Prior to March 2001 the petitioner, who was pregnant and unemployed, received ANFC and Food Stamps as a household of one person.

2. In March 2001 the petitioner gave birth to her and her boyfriend's child. The Department notified her that effective April 1, 2001 she and her boyfriend would have to be considered as a single household consisting of themselves and their child.

3. The boyfriend has gross income of \$2,035 a month. Because his income is well in excess of the gross income

allowable for a three-person household for both the ANFC and Food Stamp programs (see infra) the Department determined that the household was no longer eligible for benefits under those programs.

4. The petitioner believes the maximum income guidelines for both programs are too low and that her boyfriend's income alone is insufficient to meet the family's needs.

ORDER

The Department's decisions are affirmed.

REASONS

Both the ANFC and Food Stamp programs conform to the federal requirement that a recipient household must include all parents and children who live together, and that the income of every household member must be considered in determining the household's eligibility. WAM § 2242 (ANFC) and FSM § 273.1(a) (Food Stamps). For ANFC the maximum standard of need and housing allowance is \$1,211 a month. WAM § 2245. For Food Stamps the gross income test for a household of three is \$1,533. FSM § 273.9(a). As noted above the petitioner's boyfriend's income (\$2,035 a month) is well in excess of both program maximums. Therefore, the Board is bound by law to affirm the

Department's decisions. 3 V.S.A. § 3091(d) and Fair Hearing
Rule No. 17.

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