

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 17,202  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals the decision by the Department of PATH reducing his Food Stamps from \$98 to \$22 a month. The issue is whether the petitioner qualifies for a shelter deduction from his income.

FINDINGS OF FACT

1. The facts are not in dispute. The petitioner is a man whose income from employment is presently \$616 a month. Until last Spring he shared a rental apartment with a friend for \$450 a month plus utilities. Since May 1, 2001 he has lived in his car and has no fixed shelter expenses. However, he maintains that the cost of living out of his car is nearly as great as it was when he had an apartment.

2. The Department reviewed the petitioner's eligibility for Food Stamps in July 2001, and most recently certified him as eligible in the amount of \$22 per month.

3. The petitioner's eligibility was calculated by deducting the standard amount, \$134, from his income along

with an earnings deduction, \$123.35, for a countable Food Stamp income of \$359.39.

4. The Department indicated at hearing that it has not given the petitioner the shelter allowance of \$300 per month that he had before July because he no longer incurs regular shelter expenses. Thus, his Food Stamps have been reduced from \$98 to \$22 a month.

ORDER

The decision of the Department is affirmed.

REASONS

Under the regulations governing calculation of Food Stamp income, the petitioner is entitled to a standard deduction of \$134 (F.S.M. 273.9[d][1]; P-2590A-1) and an earnings deduction of twenty percent of his earned income, or \$123.35 (F.S.M. 273.9[d][2]).

The petitioner did not receive the excess shelter expense deduction because he was not assigned any costs for maintaining his car to use for shelter. In this regard, other than the increased amount he must pay for prepared food due to the lack of cooking facilities, it does not appear that he has any.

Thus, it must be concluded that the petitioner's final countable food stamp amount of \$359.39, as the Department has calculated, is correct. A one-person household with that income is entitled to \$22 per month in Food Stamps.

P2590(D)(5). Inasmuch as the Department's decision is in accord with the pertinent regulations the Board is bound by law to affirm. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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