

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,424
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of PATH reducing his essential person grant. The issue is whether the Department correctly attributed the petitioner's income as available to all members of the essential person household. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioner is a disabled man who lives with a non-related individual who provides him with medically necessary personal care and homemaker services.

2. The petitioner began receiving essential person benefits in March 2001. At that time he had no income. Based on this, the Department initially determined his essential person benefit to be \$906 a month.

3. The Department was subsequently notified that the petitioner had become eligible to receive SSI benefits in the amount of \$590 a month. Based on this the Department

determined that the petitioner's essential person grant should be reduced to \$316.

4. The petitioner appealed because he was under the impression that his essential person grant is for the benefit of his caregiver, and that his SSI is exclusively for his use and benefit.

ORDER

The Department's decision is affirmed.

REASONS

The essential person program regulations define an "assistance group" as an aged, blind, or disabled person and a non-spouse essential person. W.A.M. § 2752. The essential person payment level is equal to the maximum SSI payment to a couple. W.A.M. § 2754. In Chittenden County, where the petitioner lives, this amount is \$906. See P-2740.

The regulations further provide as follows:

All income of all assistance group members must be counted together according to the income rules for the . . . ANFC program . . . with the following exceptions:

. . .

SSI/AABD benefits, if received, are counted as unearned income.

The following income exceptions are allowed:

\$20 of total monthly income received by all household members as:

unearned income only (other than VA pension or SSI/AABD benefits). . .

W.A.M. § 2756.

According to the above, all of the petitioner's SSI income must be counted in determining his eligibility. The only other exceptions and deductions apply to earned income. See § 2756.

Thus, it must be concluded that the Department correctly deducted the entire amount of the petitioner's SSI benefit in determining that the amount of his essential person grant is \$316 a month (\$906 minus \$590). Under the circumstances the Board is bound to affirm the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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