

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,460
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department of PATH terminating her Food Stamp benefits. The issue is whether the petitioner's household's gross income exceeds the program maximum. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioner receives Food Stamps as a household of three persons. At a periodic review of the household's eligibility in November 2001 the petitioner reported an increase in combined gross household income to a total of \$2,028.08. This was well above the maximum gross income limitation of \$1,585 a month for a household of three. (See infra.)

2. On November 21, 2001 the Department notified the petitioner that she would not be eligible for any Food Stamps as of December 1, 2001 based on this increase in household income.

3. The petitioner appealed because she felt that her household's income would decrease in the near future. At the hearing, held on January 24, 2002, the petitioner reported that her household's income had, in fact, recently decreased.

The petitioner was advised to immediately reapply for Food Stamps based on this change.

ORDER

The decision of the Department is affirmed.

REASONS

Under the Food Stamp regulations, all earned and unearned income is countable as gross income. F.S.M. § 273.9(b). That total gross income is then subjected to an initial gross income test (presently 130 percent of federal income poverty levels) to determine eligibility. F.S.M. § 273.9(a). The gross income eligibility standard at present is \$1,585 for a household of three. Procedures Manual § P-2590 C.

As noted above, as of the date of the Department's actions in this matter, the petitioner's household's gross income totaled \$2,021 a month, which is higher than the maximum gross income allowed under the regulations. Inasmuch as the Department's action terminating her Food Stamp benefits was in accord with the regulations, the Board is bound to uphold it. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17. As also noted above, the petitioner was advised to reapply on the basis of a more-recent change in circumstances.

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