

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,527
)
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 six persons. At a periodic review of the household's eligibility in December 2001 the petitioner reported an increase in combined gross household income. In addition to one of her children's SSI, her husband had begun receiving unemployment compensation, and the petitioner had recently had an increase in hours at her employment.

2. The petitioner does not dispute that her household's unearned income (SSI and UC) totals \$1,415.64 a month. She also does not dispute that over the previous month she has averaged 35 hours a week of work, giving her gross earned income of \$1,262.60 a month.

3. The petitioner also does not dispute that the Department allowed her all the applicable deductions from her income. These were: a twenty percent earned income deduction (\$252.52), a standard deduction given to all households (\$134), and a deduction for the child support payments garnished from her husband's unemployment benefits (\$193.50). These deductions yield a total countable gross household income of \$2,098.22. Unfortunately this puts the household above the maximum gross income limitation of \$1,975 a month for a household of six. (See infra.)

4. On January 9, 2002 the Department notified the petitioner that she would not be eligible for any Food Stamps as of February 1, 2002 based on this increase in household income.

5. The petitioner appealed because she thought her hours would be reduced in the near future. At the hearing, held on February 6, 2002, the petitioner admitted that her work hours had not yet been reduced, but that she expected them to be soon. The petitioner was advised to immediately reapply for Food Stamps if and when she finds herself working fewer hours.

ORDER

The decision of the Department is affirmed.

REASONS

Under the Food Stamp regulations, all earned and unearned income is countable as gross income subject only to certain defined deductions. F.S.M. § 273.9(d). 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 \$1,1975 for a household of six. 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 \$2,098.22 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.

#