

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,776
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) terminating her child's eligibility for RUFA benefits. The issue is whether the income and resources of the petitioner's husband must be included in determining the child's eligibility. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioner lives with her eighteen-year-old daughter who is a high school student. Prior to May 2002 the petitioner and her daughter received a RUFA grant for two persons. The amount of the grant was determined by considering all the countable income of the petitioner and her daughter. Prior to May 2000 this consisted of the daughter's Social Security benefit of \$231 a month.¹

¹ Because the petitioner lives in Section 8 subsidized housing she is also deemed to receive a monthly "utility subsidy" of \$30 a month, which is also counted as income to the household.

2. On May 1, 2002 the Department determined that the petitioner's husband had moved into the home. He has income of \$540 a month in Social Security. The Department added this to the other household income and determined that the household's combined unearned income (\$801) exceeded the RUFA payment standard of \$638 for a household of three persons. Thus, the Department determined that as of May 15, 2002 the petitioner would no longer be eligible for RUFA benefits.

3. The petitioner filed an appeal of this decision because shortly after her husband moved in she was informed by her landlord that her husband could not reside in the home because of his criminal record.

4. At the hearing in this matter, held on June 11, 2002, the petitioner admitted that her husband had resided in her home during May but that he had moved to a campsite as of June 5, 2002. The hearing officer and the Department advised the petitioner to reapply for RUFA based this recent change in her husband's living arrangement, and that she could appeal any negative decision from the Department regarding this application.

ORDER

The Department's decision is affirmed.

REASONS

W.A.M. § 2242 provides: "A parent must be included in the assistance group if the parent lives in the home with a child included in the assistance group". As noted above, the petitioner does not dispute that as of May 15, 2002, the effective date of the Department's decision in this matter, her husband was living in the household and that his income combined with that of other household members was in excess of the RUFA payment standard.

As also noted above, the petitioner is free to reapply for RUFA now that her husband has allegedly left the home. However, inasmuch as the Department's decision at the time it was made was in accord with the pertinent regulations the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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