

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 17,793  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals a decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) finding that she has been overpaid Food Stamps. The issue is whether the overpayment must be repaid even if it resulted from the petitioner's inadvertent error.

FINDINGS OF FACT

1. The petitioner received Food Stamps until her grant was recently closed due to her employment. From June 2001 through March 2002 the petitioner received food stamps for a six-person household. One of the household members was her eighteen-year-old son, who was a high school student at that time.

2. During this period the petitioner's son was employed through a job that apparently had been found for him through his school. However, it does not appear that the job, itself, was part of any special program at the school.

3. The petitioner maintains that her son spent all his earnings for himself and that she did not understand that this was considered "household income" under Food Stamps. The Department admits that the petitioner did not understand her duty to report this income.

4. The petitioner admits that due to this income she received Food Stamps from June 1, 2001 through March 31, 2002 that were \$2,694 in excess of what she was entitled to had her son's income been counted in the family's eligibility computations.

5. It appears that the petitioner's son's school got him a job (or helped him get a job) with the intention of better preparing him for life after graduation. Unfortunately, the school either did not know or did not adequately advise the petitioner that her son's earnings would adversely affect the family's Food Stamps. Had the petitioner understood this, she would have required her son to contribute his earnings toward household expenses instead of spending it entirely on himself.

5. As of the date of the hearing in this matter, August 14, 2002, the petitioner was no longer receiving Food Stamps because of her own employment. She was advised that unless she again applies for and is found eligible for Food Stamps it is not the Department's policy to take action to recover this

overpayment. However, if she again receives Food Stamps the overpayment will be recouped through a ten-percent reduction in her grant amount.

ORDER

The Department's decision is affirmed.

REASONS

PATH's regulations governing the Food Stamp program make recovery of overpaid Food Stamp amounts mandatory. F.S.M. 273.18(a). This is true whether the overpayment occurred due to an inadvertent household error (such as failure to provide the correct information) or administrative error (such as failure to take timely action on information in PATH's possession). F.S.M. 273.18(a). The regulations also require PATH to take action on all overpayment claims that are within twelve months of the date the error was discovered. 273.18(b).

In this case there is no dispute that PATH correctly established an overpayment of Food Stamps of \$2,694 for the period June 2001 through March 2002, and that it has the right and obligation to collect on those overpaid benefits through future recoupments. Therefore, the Board is bound to affirm

the Department's decision in this matter. 3 V.S.A. § 3091(d),  
Fair Hearing Rule No. 17.

# # #