

STATE OF VERMONT  
HUMAN SERVICES BOARD

In re ) Fair Hearing No. 17,892  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistance, Transition, and Health Access (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. Until August 2002 the petitioner, who lives with her child and the child's father, received Food Stamps for a household of three persons. At a periodic review of the household's eligibility in July 2002 the petitioner reported an increase in combined gross household income.

2. The petitioner does not dispute that her household's gross income totals \$1,926.91 a month. Unfortunately this put the household above the maximum gross income limitation of \$1,585 a month for a household of three. (See infra)

3. On July 15, 2002 the Department notified the petitioner that she would not be eligible for any Food Stamps

as of August 1, 2002 based on this increase in household income.

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). No deductions are allowed at this stage of the eligibility process. (Several deductions are allowed for those households that pass the gross income test.) 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 \$1,926.91 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.

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