

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,918
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistance, Transition, and Health Access (PATH) to grant him only \$10 in Food Stamp benefits. The issue is whether the petitioner is entitled to reduce his countable income based on his actual expenses.

FINDINGS OF FACT

1. The petitioner is a single disabled man who lives in an efficiency apartment for which he pays \$177 per month. The rent includes all utilities except his telephone. The petitioner's income is solely from Social Security benefits of \$624 per month.

2. The petitioner has received Food Stamp benefits for some time. Following an annual recertification review of his benefits in July, the petitioner was notified that he would receive \$10 per month in benefits based on his current income and shelter situation. The only deduction from income that PATH gave the petitioner was a "standard expense" deduction of

\$134. PATH determined that the petitioner's shelter expense of \$177.00 per month coupled with a telephone allowance of \$30.03 per month did not entitle him to an "excess shelter" deduction given to those whose shelter expenses equal more than fifty percent of their income. PATH used a countable income of \$490.04 which resulted in a \$10 Food Stamp payment.

3. The petitioner appealed because he does not have enough money to buy food. He would like his other non-shelter expenses deducted from his income. Those expenses include an \$1,100 credit card bill, on which he is currently paying nothing, and a \$25 per month court ordered payment on a \$300 fine for a misdemeanor conviction. He also indicated that during the month of July he paid \$345 for his fiancée's rent because she was not working and needed help. He also very recently received a bill for \$200 based on a hospitalization which occurred during July of 2002 and is concerned that he might have to pay it. He does not understand why Medicaid did not pay this bill.

4. The petitioner's worker, who had not seen the hospital bill prior to the hearing, indicated that he would assist the petitioner in determining why the bill was not covered by Medicaid and would make a future adjustment, if warranted, to his Food Stamp income. However, he maintained

that this bill had not been incurred at the time of the July review and would not affect the calculations for time periods before he presented this expense.

ORDER

The decision of the Department is affirmed.

REASONS

A Food Stamp recipient is eligible for a "household shelter deduction" for the "[m]onthly shelter costs in excess of 50 percent of the household's income after all other deductions . . . have been allowed." F.S.M. 273.9(d)(5)(i). The only other deduction from income for which the petitioner qualified at the time of the review¹ is a standard deduction of \$134 a month. F.S.M. 273.9 (d)(1). The petitioner's housing costs of \$207.03 is less than half of the petitioner's net income of \$490.04 (\$624 - \$134). Therefore, the petitioner does not receive a further shelter deduction. None of the petitioner's other expenses is deductible from his income.

¹ It was explained to the petitioner that he may be able to get an excess medical deduction (amounts over \$35) for a future month once PATH has had an opportunity to review his recently submitted hospital bill. F.S.M. 273.9(d)(3). If the petitioner is dissatisfied with PATH's handling of the medical bill, he can appeal it once an action is taken on that request.

Under PATH's regulations, a one-person household with \$490.04 in countable income is eligible for \$10 in Food Stamp benefits. F.S.M. 273.10(a), Procedures 2590D(8). As the Department's decision is in accord with its regulations, the Board is bound to affirm the decision in July reducing his Food Stamps. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

#