

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,944
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Appeal of)

INTRODUCTION

The petitioner appeals a decision of PATH's Office of Home Heating Fuel Assistance finding that she is not financially eligible for the seasonal fuel program.

FINDINGS OF FACT

1. The petitioner is a sixty-three-year-old disabled woman who lives alone in a two-bedroom mobile home which is heated with propane gas. Her sole source of income is Social Security benefits of \$1,074.00 per month.

2. The petitioner applied for fuel heating benefits on July 18, 2002. PATH calculated the petitioner's eligibility by subjecting her gross Social Security income to a \$150 deduction available to disabled persons. The net income used was \$924.00

3. On August 5, 2002, the petitioner was notified that her application for fuel assistance had been denied because her income was \$1.00 more than that allowed for a household of one.

4. The petitioner appealed asking for an exception because she is only one dollar over the limit. When she appealed, she was advised by her worker that she may still be eligible for the crisis fuel program.

ORDER

The decision of PATH denying the petitioner's application is affirmed.

REASONS

Under regulations adopted by PATH, persons must have a net income under the maximum adopted amount in order to be eligible for home heating fuel benefits. W.A.M. 2904.1. Certain limited deductions are allowed from gross income including a \$150 deduction for disabled or elderly persons. The maximum net amount currently adopted by PATH for a one-person household is \$895 per month. Procedures Manual 2905-A. The Department has also proposed that those amounts be increased in October of 2002 to \$923 for a one-person household. See Procedures Bulletin No. 02-03, Section 2905-A.

The Department has used the proposed higher amount in calculating the petitioner's eligibility. After receiving the \$150 deduction from her income, the petitioner's net amount of

\$924 per month is still in excess of that maximum amount, although it is only by one dollar. PATH's decision that the petitioner is ineligible for the fuel assistance program is correct under its current regulation and under its proposed regulation. Therefore, the decision must be upheld by the Board. 3 V.S.A. § 391(d), Fair Hearing Rule 17. The Board does not have the authority to waive income limits validly adopted by the Department. The petitioner is advised to discuss with her worker her potential eligibility for the crisis fuel program if she feels she will not be able to pay for the fuel she needs this winter.

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