

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,966
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) establishing the amount of her Reach Up Financial Assistance (RUFA). The issue is whether the petitioner's "needs allowance" for her housing was correctly calculated.

FINDINGS OF FACT

1. The petitioner is the mother of a ten-year-old girl. She is an adult who lives in her own mother's home and has an agreement with her to pay \$175.00 per week for room, board and transportation. She rents two rooms in her mother's home.

2. The petitioner had been employed and living on her income until last Spring. Thereafter, she received unemployment compensation benefits of \$230 per week, until they ceased on August 11. In early August, shortly before her unemployment benefits were to end, the petitioner applied for RUFA benefits.

3. On August 20, 2002, PATH notified the petitioner that she would not be eligible for RUFA for the month of August 2002 due to her receipt of the unemployment compensation benefits but that she would be eligible on September 1, 2002 for \$329 in RUFA benefits based on a zero income figure for that month. PATH sent the petitioner a calculation worksheet showing that her needs had been assessed at \$646 per month which had been reduced to 51 percent of that figure for payment purposes.

4. The petitioner appeals because the \$329 is not sufficient to pay her mother what she has agreed. She has also been found ineligible for Food Stamps because food is included in her weekly payment.¹ She was advised by PATH at the hearing that the current structure of her payments as room and board are not to her advantage and that PATH would assist her in maximizing her benefits for future payments. However, PATH will not adjust her payments retroactively to reflect any new payment structure.

¹ The petitioner does not appeal her Food Stamp denial.

5. The petitioner does not claim that she was misled in any way by PATH with regard to her situation. Rather she says that her situation was structured the way it was at her mother's insistence. She is hopeful that with the help of PATH and an advocate who has been assisting her that she can persuade her mother to structure the situation differently so that she can pay her bills.

ORDER

The decision of PATH as to the amount of the petitioner's RUFA payments is affirmed.

REASONS

Under regulations adopted by PATH, the needs of a family in a room and board living arrangement are budgeted by reference to a table which sets an amount (derived from state averages) for "room and board" and another amount for "other basic needs" which are added together. W.A.M. 2245.24. For a two-person assistance group those amounts are \$519 for "room and board" and \$127 for "other basic needs" for a combined total of \$646 per month. W.A.M. 2246. The petitioner's current monthly expense of \$758 per month is considered by PATH to be on the "high" side since it is well above the

standard. Even if PATH were to pay 100 percent of the petitioner's regulatorily-established "need" she would still not have enough to make the payments she has agreed to.

To make matters more difficult for the petitioner, PATH only pays fifty-one percent of any recipient's needs due to "insufficient" funding of the program. W.A.M. 2245.24. This "ratable reduction" brings the actual payment to the petitioner down to \$329 per month. PATH was thus correct in determining that the petitioner was only eligible for \$329 during the month of September 2002.

During the month of August 2002, the petitioner received at least \$460 in unemployment compensation payments. PATH correctly deducted that amount from the payment standard to determine the petitioner's eligibility for that month. W.A.M. 2245.24. Since $\$329 - \460 is less than zero, PATH correctly determined that the petitioner was not eligible for a payment in August. She was correctly notified that she would receive the \$329 in September since she would no longer have any income in that month.

PATH is correct in its calculation of the petitioner's RUFA payments for August and September based upon the financial structure she presented to PATH at the time of her application in August. It does not appear that PATH influenced the

petitioner in any way to set up this disadvantageous structure but rather that this structure was imposed upon the petitioner by her landlady-mother. Therefore, the Board is obliged to uphold PATH's decision. 3 V.S.A. § 3091(d) and Fair Hearing Rule 17. As PATH has agreed to work with her on restructuring her situation, the petitioner is undoubtedly aware by this time that she would be in a much better position if she bought her own food and did not pay any amounts to her mother as board.² If she has not talked with PATH about this restructuring, she is urged to do so as soon as possible.

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² On the RUFA side, the petitioner would be assigned a basic need amount equal to what she gets now plus a shelter amount based on her actual room rent subject to some limitations. See W.A.M. 2245.5(3). On the Food Stamps side, the petitioner as a person over twenty-one, can be her own "household" even though she lives with her parents if she purchases and prepares food for herself and her child separately. She may then be eligible for a goodly amount of food stamps. For example, a two-person family with \$329 in countable income is eligible for \$157 per month in Food Stamps. (There may even be deductions which are applicable which would further reduce the countable income amount.) Procedures Manual 2590 D4.