

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,995
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) finding him eligible for \$10 a month in Food Stamps. The issue is whether the Department can treat the monthly payments the petitioner makes on a handicapped-accessible van as a medical deduction from his countable income. The pertinent facts are not in dispute.

FINDINGS OF FACT

1. The petitioner is disabled and lives with his wife. The petitioner does not dispute that the Department has correctly calculated the household's gross income for Food Stamp purposes.

2. The petitioner owns a van that is equipped with special equipment to accommodate his handicap. He uses the van for household errands and to travel to medical appointments. The petitioner makes monthly payments of \$163 for the van.

3. Until recently, the petitioner frequently drove himself in the van from his home in Shelburne to the VA hospital in White River Junction for medical appointments. The petitioner concedes that alternative transportation to the VA and any other medical appointments is available to him through Medicaid transportation services.

ORDER

The Department's decision is affirmed.

REASONS

Food Stamp Manual § 273.9(d)(3) provides that certain medical expenses in excess of \$35 a month are deductible from a household's gross income in determining its eligibility for Food Stamps. The allowable deductions listed in the regulation include the following:

ix. Reasonable cost of transportation and lodging to obtain medical treatment or services. . .

The Department maintains that under the above regulation it can allow the petitioner a deduction for his costs (which under the regulation are presently \$.31 per mile) to drive to medical appointments. However, the Department does not consider the purchase price of the van or monthly payments toward the purchase price as deductible because the petitioner does not require a van to obtain needed medical services. The

only provision in the regulations whereby the cost of purchasing and maintaining a vehicle can be considered deductible from income is when the vehicle is used in a recipient's employment. See F.S.M. § 273.11. Inasmuch as the Department's decision in this matter is in accord with the regulations it must be affirmed. 3 V.S.A. 3091(d), Fair Hearing Rule No. 17.

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