STATE OF VERMONT

HUMAN SERVICES BOARD

In re	)	Fair Hearing No. 18,001
	)	
Appeal of	)	

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistance, Transition, and Health Access (PATH) denying his eligibility for Reach Up Financial Assistance (RUFA) benefits.

FINDINGS OF FACT

1. The petitioner is the father of a seven-year-old boy. He has been unable to work since a heart attack and has had no income for some time.

2. The petitioner applied for and received Food Stamp benefits on an expedited basis.[1] However, on September 12, 2002, he was notified that he would not be eligible for RUFA based on excess resources. The Department determined that the petitioner had $1,835 in resources, $835 more than allowed by regulation. These resources consisted of $1,750 worth of motor vehicles and $85 in a bank account.

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[1] The Food Stamp program has a resource maximum of $2,000. F.S.M. 273.8(b).

3. The petitioner appealed that finding on September 13, 2002. A hearing was scheduled for October 19, 2002. The petitioner failed to attend but the matter was reset at his request based on his assertion that his illness makes him forgetful. The matter was reset for November 5, 2002.

4. The petitioner does not dispute that until recently he owned nine vehicles. PATH agrees that he sold one of those vehicles for $500 and that another one was stolen. PATH has excluded the value of a motorcycle which the petitioner has indicated is his main means of transportation. However, the remaining vehicles have a value of at least $1,750.[2] All of the vehicles are either operating or have a significant value for parts.

5. The petitioner does not dispute that the vehicles have the value which PATH has assessed. He says, however, that it is not that easy to sell these vehicles. Following his denial notice he provided PATH with a written statement from an individual saying he had purchased all of these

[2] PATH indicated at the hearing that it might reassess the value of a tractor/trailer owned by the petitioner for spare parts. It indicated that a new notice would be sent to him about that vehicle.

vehicles for $1.00. PATH did a Department of Motor Vehicle (DMV) check on the vehicles and discovered that they are all still registered to the petitioner and that legal transfer has not passed on any of the cars. The petitioner says it is not his responsibility to let DMV know that he has sold these vehicles and that he has taken the plates off and kept them. He does not disagree that he is still listed with DMV as the owner of all these vehicles.

6. Based on the above, it cannot be found that the petitioner has actually divested himself of the ownership of any of his vehicles.

ORDER

The decision of PATH denying eligibility is affirmed.

REASONS

The maximum allowable resource level for the RUFA program is $1,000 per household. W.A.M. § 2260. Individuals who voluntarily transfer their resources in order to become eligible are disqualified from receiving benefits. W.A.M. 2261.1. A voluntary transfer includes giving the resources to

someone else for less than fair market value. Individuals who make such a transfer can become eligible again by having the property reconveyed to them and reporting it as a resource. W.A.M. § 2261.1. Vehicles are included as resources as follows:

> A vehicle is defined as a passenger car, truck, or jeep, motorcycle, camper, van, snowmobile or boat that is stored on blocks or is operable (i.e. includes all major operating parts, such as engine, transmission, wheels, steering mechanism, etc).
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> A non-operable vehicle minus operating parts is considered junk and thus does not come within the definition of a vehicle; however, the salvage value of a junked vehicle may represent a substantial resource requiring individual evaluation.
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> The equity value of one operable motor vehicle per assistance group with one adult . . . is excluded as a resource. In situations where the assistance group owns additional vehicles, the applicant or participant shall identify each vehicle to be excluded. The equity value of all remaining vehicles owned by members of the assistance group, unless otherwise excluded must be counted toward the resource limitation. Equity value equals fair market value minus debt owed.
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> . . .
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> W.A.M. § 2263.5

The petitioner is in a one adult household with several vehicles. He identified his motorcycle as the excluded vehicle and PATH complied with that request. PATH asserts that his remaining vehicles were correctly valued as either

operable vehicles or, if they were not operable, for their salvage (parts) value.[3] The petitioner does not dispute the values placed on the cars. The Department has acted within its regulations in valuing the cars and counting the total as an available resource.

The petitioner's assertion that he no longer owns the cars in question is not credible. He has taken no steps to transfer title to any of these vehicles. Even if he had, the $1.00 that he received for these vehicles valued at $1,750 would have disqualified the transfer as one which was for less than fair market value and done for the purpose of becoming eligible. The petitioner's real recourse in this matter is to sell the vehicles for something close to their value and to expend the proceeds for his living expenses. When he has less than $1,000, he can reapply for RUFA benefits. As his current application was denied in accordance with the regulations, the Board must affirm PATH's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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[3] As stated in the facts section, the Department indicated that it wanted to revisit the value of a tractor-trailer that it may have wrongfully excluded based on a large salvage value.