STATE OF VERMONT

HUMAN SERVICES BOARD

In re	)	Fair Hearing No. 18,013
	)	
Appeal of	)	

INTRODUCTION

The petitioner appeals the determination by the Department of Prevention, Assistance, Transition, and Health Access (PATH) that she is only eligible for $10 a month in Food Stamps. The issue is whether the Department correctly calculated the petitioner's Food Stamps in light of her income and allowable deductions. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioner lives in a household of two persons (herself and one child) and has monthly income from child support and unemployment compensation, the latter of which she began receiving in May 2002.

2. In June 2002 the petitioner received $248 a month in Food Stamps because the Department had not yet begun counting her unemployment compensation. On June 19, 2002 the Department sent the petitioner a notice that effective July 1, 2002 her Food Stamps would be reduced to $35 based on her receipt of $205 a week in unemployment compensation.

3. The petitioner's child support payments have increased slightly from month to month. In July, the Department notified her that effective August 1, 2002 her Food

Stamps would be reduced to $34 a month due to an increase in child support. In September her Food Stamps were reduced to $16, and on September 2, 2002, the Department sent her another notice reducing her Food Stamps to $10 a month beginning October 1, 2002.

4. Following the last notice the petitioner appealed all the decreases in her Food Stamps going back to July. At the hearing in this matter, held on October 2, 2002, the petitioner did not dispute the Department's calculations of her income each month in question. She was confused because although she had been receiving workman's compensation since May, her Food Stamps were not reduced until July. She had thought that the Department was basing all its reductions on her child support, which had only increased slightly over the period in question.

ORDER

The Department's decision is affirmed.

REASONS

Under the Food Stamp Regulations the amount of a household's monthly allotment is determined according to household income minus any applicable deductions. FSM § 273.9 *et seq*. All households are entitled to a standard deduction of $134 (FSM § 273.9d(1) and Procedures Manual P-2590-A) and to an excess shelter deduction in the amount that their

shelter costs exceed 50 percent of their income (FSM § 273.9d[5]). As of September the petitioner was receiving about $1,060 in gross income. Even with deductions the household's net income was more than $816, which is the cutoff income figure for a household of two persons to qualify for more than the $10 a month Food Stamp payment minimum (Procedures Manual § P-2590 D9).

When explained the bases of the Department's monthly determinations at the hearing the petitioner did not dispute either the income figures used by the Department or with the Department's calculations of her deductions and benefit amounts. Inasmuch as the Department's decision appears to be in accord with the pertinent regulations it must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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