

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,147
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) reducing his monthly benefits under Food Stamps. The issue is whether the Department correctly calculated the petitioner's income and expenses.

FINDINGS OF FACT

1. As of October 2002 the petitioner was receiving \$140 a month in Food Stamps. Sometime that month the Department discovered that it had made an error in calculating the petitioner's income, which consists of monthly payments from Social Security and SSI.

2. On October 31, 2002 the Department mailed the petitioner a notice stating that his Food Stamps would be reduced to \$55 a month effective December 1, 2002. The petitioner appealed this decision November 12, 2002.¹

¹ The Department agrees that the petitioner is entitled to continuing benefits at the rate of \$140 a month until this appeal is decided by the Human Services Board.

3. On November 22, 2002 the Department mailed the petitioner a notice that due to the Department's error the petitioner had been overpaid \$888 in Food Stamps from December 2001 through November 2002. The petitioner filed a separate appeal of this decision, which is still pending (see Fair Hearing No. 18,194).

4. At a hearing held on December 19, 2002, the petitioner did not dispute that as of December 1, 2002 the Department had correctly determined that his income is \$624.04 a month and that the Department has correctly calculated his monthly expenses.

ORDER

The Department's decision is affirmed.

REASONS

Food Stamp Manual § 273.9(a) provides that all unearned income to a household is counted in determining a household's eligibility for Food Stamps. As noted above, the petitioner

does not dispute the Department's calculation of his ongoing income and expenses as of December 1, 2002 (and that any issues surrounding his overpayment shall be the subjects of a separate fair hearing). Inasmuch as there is no dispute that the Department's decision regarding the petitioner's ongoing benefits is in accord with the pertinent regulations, that decision must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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