

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,381
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Appeal of)
)

INTRODUCTION

The petitioner appeals a decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) decreasing her Food Stamp benefits due to increased income.

FINIDNGS OF FACT

1. The petitioner and her husband are both disabled. At the time at issue, the petitioner received \$185.44 per month in Supplemental Security Income (SSI). Her husband received \$577 per month in Social Security Disability benefits and \$138.40 from SSI, although the latter was reduced by \$46.39 to recoup an overpayment made by the Social Security Administration. The couple's monthly gross income before deductions is \$900.84.

2. Sometime shortly before March 10, 2003, the Social Security Administration (SAS) notified PATH that the petitioner's monthly income had increased from \$621.45 to \$900.84 as detailed above. On March 10, 2003, PATH mailed a notice to the petitioner advising her that her Food Stamps

would decrease from \$251 per month to \$133 per month beginning April 1, 2003 based on the increase in income and the concomitant decrease in the shelter and utility allowance from \$472.27 to \$357.58. The petitioner was advised to supply PATH with copies of her checks from SSA if she disagreed with the income figures.

3. The petitioner's eligibility was calculated by subtracting a \$134.00 standard deduction as well as the \$357.58 shelter allowance from the total gross income of \$900.84. PATH determined that the resulting net income of \$409.26 entitled the couple to \$133 in Food Stamps.

4. The petitioner disagreed with the figures used by PATH but did not present copies of checks showing different figures. PATH agreed to contact the Social Security Administration to reconfirm the amounts sent to the petitioner and sent the results to the Board and the petitioner on April 8, 2003. Those results were the same as before. The petitioner has not responded to that letter or provided any evidence contradicting that letter.

5. It must be concluded based on the above evidence that PATH correctly used \$900.84 as the couple's gross income in calculating their Food Stamp benefits.

ORDER

The decision of PATH 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. F.S.M. § 273.9 et seq. All households are entitled to a standard deduction of \$134 (F.S.M. § 273.9d(1) and Procedures Manual P-2590-A) and to an excess shelter deduction in the amount that their shelter costs exceed fifty percent of their income (F.S.M. § 273.9d(5)). There are no regulations which allow deductions for repayments that are being made to public or private creditors.

As of March 2003, the petitioner's household income was \$900.84. Because the shelter deduction is the amount that is over fifty percent of the family's income, that figure necessarily goes down when the family's income goes up. PATH gave the petitioner all of the deductions to which she was entitled and correctly arrived at a net figure of \$409.26. The net income available to pay the family's food and other expenses went up which caused the amount of Food Stamps to go down. A family with the petitioner's net income is entitled

to \$133 in Food Stamps under PATH's regulations. See P-2590D. As PATH's decision is consistent with its regulations, the Board is bound to uphold the result. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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