

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,477
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) reducing her benefits in the Reach Up Financial Assistance (RUFA) program based on her receipt of unemployment benefits.

FINDINGS OF FACT

1. The petitioner has one child and receives RUFA benefits of \$579 per month. In February 2003, the petitioner applied for unemployment benefits and started receiving \$65 per week in April.

2. PATH discovered that the petitioner was receiving these benefits in May of 2003 through a transmission from the Department of Employment and Training (DET). PATH recalculated the petitioner's benefits based on her receipt of \$279.50 (\$65 x 4.3 weeks) per month. PATH determined that her payment should be decreased dollar for dollar by the unemployment compensation income resulting in a new payment of \$300 per month. The petitioner was notified on May 20, 2003

that her benefits would be reduced to that amount beginning June 1, 2003.

3. The petitioner appealed that decision and has continued to receive her benefits pending the outcome of her appeal. She contests PATH's actions saying that she needs the extra income because she has a lot of expenses, including high utilities due to the cold spring.

ORDER

The decision of PATH is affirmed.

REASONS

Regulations adopted by PATH in the RUFA program define "income" as "any cash payment . . . which is actually available to the applicant or recipient" and require that "all income except that specifically excluded" be "evaluated to establish net income available to meet need." W.A.M. 2250. Unemployment compensation is classified as "unearned income" and the regulations require that "the full amount of available unearned income shall be applied to the payment standard, except for disregards specified under certain federal programs. See 2255." W.A.M. 2252. Section 2255 does not disregard unemployment compensation. Therefore, the regulation requires that the full amount of any unemployment

compensation paid to a recipient be applied against the amount of RUFA payment made to the family.

In the petitioner's case, PATH took the full monthly amount of her unemployment compensation of \$279.50 and deducted it from her RUFA payment of \$579 for a new payment amount of \$300 per month. The petitioner's expenses do not legally entitle her to keep both her former RUFA benefit and her unemployment compensation benefits. As PATH's action is consistent with its own regulations, the Board is bound to uphold the result. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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