

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,509
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) terminating her essential person grant. The issue is whether the Department correctly attributed the petitioner's essential person's income as available to all members of the essential person household. Except as specifically noted below, the facts are not in dispute.

FINDINGS OF FACT

1. The petitioner is a disabled woman who lives with a non-related individual who provides her with medically necessary personal care and homemaker services.
2. Prior to April 2003 the petitioner received an essential person benefit of \$300 a month, which was based solely on her Social Security and SSI income of \$624 a month.
3. In April 2003 the Department was informed by the Department of Employment and Training that the petitioner's essential person was receiving \$911.60 a month in unemployment

benefits. Based on this the Department determined that the petitioner's essential person grant should be closed because the combined household income was in excess of the allowable maximum of \$927.88.

4. At the hearing in this matter, held by phone on August 6, 2003, the petitioner claimed that the essential person's unemployment benefits were actually \$623.50 a month. However, even if this lower figure were correct, the household's combined income would still be well in excess of the program maximum.

5. The above notwithstanding, the petitioner appealed because she does not think the essential person's income should be counted because it is used exclusively for the essential person's benefit.

ORDER

The Department's decision is affirmed.

REASONS

The essential person program regulations define an "assistance group" as an aged, blind, or disabled person and a non-spouse essential person. W.A.M. § 2752. The essential person payment level is equal to the maximum SSI payment to a

couple. W.A.M. § 2754. In Chittenden County, where the petitioner lives, this amount is \$927.88. See P-2740.

The regulations further provide as follows:

All income of all assistance group members must be counted together according to the income rules for the . . . ANFC program . . . with the following exceptions:

. . .

The following income exceptions are allowed:

\$20 of total monthly income received by all household members as:

unearned income only (other than VA pension or SSI/AABD benefits). . .

W.A.M. § 2756.

According to the above, all of the petitioner's SSI income and all but \$20 of the petitioner's Social Security and her essential person's unemployment benefits must be counted in determining her eligibility. The only other exceptions and deductions apply to earned income. See W.A.M. § 2756.

Therefore, it must be concluded that the Department correctly applied both household members' incomes in determining that this income was in excess of the program maximum. Thus, the Board is bound to affirm the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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