

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,518
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) reducing the amount of his Food Stamps based on the loss of a deduction for child support payments.

FINDINGS OF FACT

1. The petitioner receives Food Stamps as a one-person household. His sole source of income is Social Security disability and SSI benefits totaling \$624.04 per month. The Social Security Administration recoups \$10 per month from this amount to repay an overpayment that was the result of a program violation on the petitioner's part. That overpayment will be paid off in about four months.

2. In calculating the petitioner's Food Stamp benefits, PATH was, in addition to the \$134 standard deduction, allowing the petitioner a \$430 per month deduction for child support payments. He received no deductions for excess shelter expenses because he had none due to a particularly low shelter

expense (\$73.50 for rent that includes heat). He also did not report any medical expenses in excess of \$35.00 per month. The deduction of the standard allowance and child support payment amounts resulted in a small countable income of \$52.04 per month.¹ This small countable income entitled the petitioner to \$123 per month in Food Stamps.

3. The petitioner's child support deduction was based on a court order that required him to pay \$125 per week. However, that order was later amended to zero when the petitioner's children started to receive Social Security benefits on his account. He has not made such payments for over one-year and duly reported the change to PATH over a year ago. However, due to a worker error, the deduction was not removed until June 19, 2003.

4. On June 19, 2003, PATH sent a notice to the petitioner informing him that his child support expense had been removed from his budget and that his new countable income would be \$490.04 per month based solely on the \$134 deduction.

¹ Until June of this year, the petitioner's unearned income was \$616.04. The new calculation also reflects an increase of \$8 in his Social Security benefits.

He was advised that as of July 1, 2003 his new Food Stamp benefit would be \$10 per month.

5. The petitioner does not disagree with any of the facts of the case but says that the Food Stamp amount is insufficient to meet his need for food. He also said that he might have medical expenses which Medicaid does not pay that exceed \$35.00 per month but he has not yet presented those to PATH.

ORDER

The decision of PATH is affirmed.

REASONS

In the calculation of Food Stamp benefits, PATH's regulations require counting all of a person's unearned benefits from Social Security disability and SSI income even if amounts are being recouped for an overpayment if the recoupment is the result of "the household's failure to comply with the other program's requirements." F.S.M. 273.9(b)(2)(i) and (ii) and (5)(i). PATH correctly applied this regulation in counting all of the petitioner's unearned income, even that being withheld, as available to him because the overpayment was the result of the petitioner's failure to comply with Social Security Administration regulations.

PATH's regulations also allow for certain deductions from income. All one-person households get a \$134 per month standard deduction. F.S.M. 273.9(d)(1), P-2590A. Other deductions are allowed for various expenses including "legally obligated child support payments paid by a household member to or for a non-household member." F.S.M. 273.9(d)(7). PATH correctly determined that the petitioner can no longer receive a child support payment deduction because he no longer pays child support out of his pocket for his children. The petitioner has to date presented no evidence that he is eligible for any other deductions such as excess medical or shelter costs.

It must be concluded that PATH has given the petitioner all of the deductions for which he is eligible. His countable income after deductions, \$490.04 per month, makes him eligible for \$10 worth of Food Stamps under PATH's regulations. P2590D. As PATH's decision is in accord with its regulations, the Board is bound to uphold the result. 3 V.S.A. § 3091(d), Fair Hearing Rule 17. The petitioner is encouraged to provide any uncovered medical bills he may have to PATH to determine if he is eligible for a medical deduction.

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