

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,546
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) reducing her Food Stamps and her Reach Up Financial Assistance (RUFA) grant. The issue is whether the Department correctly calculated the petitioner's income and housing expenses. The following facts are not in dispute.

FINDINGS OF FACT

1. At all times relevant to this matter the petitioner has been a recipient of Food Stamps and RUFA. In June 2003, when it conducted a routine review of the petitioner's eligibility, the Department discovered that since at least January 2003 it had incorrectly determined the amount of rent the petitioner was paying for her subsidized apartment.

2. On her application in December 2002 the petitioner incorrectly indicated that she was not living in subsidized housing. As a result, the Department based its calculations of the petitioner's Food Stamps and RUFA on the amount of her

rent as incurred (\$761), not on the amount she actually pays (\$441) due to her subsidy.

3. After finding this error and applying the amount of rent actually paid by the petitioner, the Department notified her that her Food Stamps would decrease from \$209 to \$124 a month and her RUFA grant from \$579 to \$555.

4. The petitioner has indicated that she does not dispute that the Department has now correctly determined her benefits based on her income and housing expenses. She is concerned that she will be liable for an overpayment for the months she received the higher amounts of benefits because she did not originally understand the meaning of the word "subsidy" in the application. To date, however, the Department has made no determination of any overpayment.

ORDER

The decision of the Department is affirmed.

REASONS

As noted above, there is no dispute that the Department has correctly determined the amounts of the petitioner's current Food Stamp and RUFA grants based on her income and the amount of rent she pays after her subsidy. See Food Stamp Manual § 273.9 and W.A.M. §§ 2250 et seq. When and if the

Department notifies the petitioner that she is also liable for an overpayment of any benefits received in any past months the petitioner is free to appeal that decision.

For now, however, inasmuch as the Department has followed its regulations regarding the calculation and treatment of the petitioner's income and rent, 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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