

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,564
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) denying his application for Food Stamps. The issue is whether the petitioner's household's gross monthly income is in excess of the program maximum. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioner lives with his wife. He receives income from workers compensation of \$1,912.90 a month.
2. The petitioner's wife is a full-time college student.
3. The petitioner applied for Food Stamps in June 2003. The Department denied the application because their combined income was in excess of the gross income test for a two-person household.

ORDER

The Department's decision is affirmed.

REASONS

Under the Food Stamp Regulations a household without an elderly or disabled member must meet an initial gross income test of eligibility, which is 130 percent of federal income

poverty levels.¹ FSM § 273.9(a). As of October 1, 2002, that gross income test for a two-person household is \$1,294 a month. Procedures Manual § P-2590 C. As noted above, the petitioner does not dispute that his gross monthly income is well in excess of this amount. Inasmuch as the Department's decision appears to be in accord with the pertinent regulations it must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

#

¹ A "disabled person" is defined as one who receives SSI benefits. See F.S.M. § 271.2. At the hearing in this matter, held by phone on August 25, 2003, the petitioner admitted that neither he nor his wife currently receives SSI.