

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,640
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department of Prevention, Assistance, Transition and Health Access (PATH) reducing his Reach Up benefits due to his children's receipt of Social Security income.

FINDINGS OF FACT

1. The petitioner is the parent of three small children. He has been receiving Reach Up benefits of \$694 per month for these children.

2. Sometime in July, the petitioner's children began to receive a monthly total of \$60 in Social Security benefits. Based on this change, PATH sent a notice to the petitioner on August 22, 2003 that by September 1, 2003, his Reach Up benefits would be reduced by \$60 per month due to the receipt of the Social Security income of his children.

3. The petitioner appealed that decision on August 25, 2003 and his benefits were continued at the original level pending the outcome of his appeal. He feels PATH's decision

is incorrect because the Social Security benefits were meant to help his children by supplementing their income. PATH's action, in his view, only hurts his children.

ORDER

The decision of PATH is affirmed.

REASONS

PATH's regulations governing the Reach Up program define "income" as any "cash payment . . . available to the recipient." W.A.M. 2250. The recipient is any member of the group being assisted, including children. W.A.M. 2242. The income of all members of the assistance group must be included to determine both eligibility and the amount of assistance to be rendered. W.A.M. 2242 and 2250. Income from the Social Security program is specifically included in the definition of countable "unearned income."

These regulations make it clear that social security income available to children in an assisted family reduces the amount of RUFA benefits to be paid to the family. PATH's policy does not allow families to retain income beyond the needs payable for the family size. As PATH's decision is correct, the Board is bound to affirm it. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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