STATE OF VERMONT

HUMAN SERVICES BOARD

In re	)	Fair Hearing No. 18,674
	)	
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 income is greater than the maximum gross income test established by the regulations for this program.

FINDINGS OF FACT

1. The facts are not in dispute. The petitioner, who lives in a household of two persons, has gross wages from employment of $2,815 a month.

2. The petitioner applied for Food Stamps in July 2003 and received a timely notice of denial. He appealed because out of his gross wages he must make court ordered child support payments totaling $1,089 a month.

ORDER

The Department's decision is affirmed.

REASONS

Families and individuals who are not receiving public assistance (RUFA) and whose households do not contain at least one elderly or disabled member qualify for Food Stamps only if their gross monthly income is below the standards set by the Department in its regulations. See Food Stamp Manual (F.S.M.) § 273.9(a). The maximum gross income for a household of two persons is $1,294 a month. See Procedures Manual § P-2590 C. Unfortunately, there are no deductions of any sort allowed before application of the gross income test.

As noted above, the petitioner does not dispute the Department's calculations of his income. Even if he could fully deduct his child support payments, his "net gross" income would still be well in excess of the program maximum. Inasmuch as the Department's decision regarding the petitioner's Food Stamps is in accord with the regulations, the Board is bound by law to affirm it. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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