STATE OF VERMONT

HUMAN SERVICES BOARD

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| In re | ) | Fair Hearing No. 18,753 |
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| Appeal of | ) | |
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## INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) finding her eligible for $141 per month in Food Stamps. The issues are whether the Department correctly calculated the amount of the petitioner's benefits and whether it correctly determined the composition of the petitioner's household.

## FINDINGS OF FACT

1. The petitioner is a single woman who receives Social Security disability benefits of $606 and SSI of $18 a month. The petitioner has a twenty-two-year-old son who is a full time college student in another state, but who stays in the petitioner's home on school vacations.

2. The petitioner applied for Food Stamps in early November 2003. Based on information provided by the petitioner regarding her household situation, income, and expenses the Department found her eligible for Food Stamps in

the amount of $141 a month (via a notice dated November 24, 2003).

3. At hearings in this matter, held on December 3 and 31, 2003, the petitioner maintained that the Department has incorrectly applied federal guidelines regarding the amount of her Food Stamps and incorrectly failed to include her son as a member of her household.

## ORDER

The Department's decision is affirmed.

## REASONS

Under federal and state guidelines $141 a month is the maximum amount of Food Stamps payable to any one-person household. Food Stamp Manual (FSM) § 273.10(e)(4)(i) and Procedures Manual § P-2590D.[1] The petitioner is simply mistaken or misinformed in believing that she can be eligible under any circumstances for a larger monthly allotment as a one-person household.[2]

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[1] The Department's Food Stamp regulations and procedures track nearly verbatim their federal counterparts (including numeration). See, e.g., 7 C.F.R. § 273.10(e)(4)(i).

[2] The Department has allowed the petitioner all possible considerations and deductions based on her disability and household expenses, resulting in the highest possible monthly allotment.

Full time college students, either singly or as a member of a larger household, qualify for Food Stamps only under exceptional circumstances. See FSM § 273.5. However, based on the petitioner's representation that her son is a full time student at an out of state college, the Department determined that he and the petitioner currently do not "live together and customarily purchase food and prepare meals together" within the meaning of the regulations regarding household composition. FSM § 273.1(a). Nothing in the facts alleged by the petitioner appears contrary to this determination.

However, even if the petitioner's son could be considered a member of the petitioner's current household, he would still have to meet one or more "exemptions" to qualify to receive Food Stamps as a college student. See FSM § 273.5(b). The Department admits that it has not made any determination as to whether the petitioner's son qualifies for Food Stamps as a college student, regardless of his household status. (Nor, to its knowledge, has such a determination been made by the state where the petitioner's son attends college.) Assuming that the petitioner's son could meet one or more of the exemptions to qualify as a college student, it would be to his and the petitioner's financial benefit to have him apply as a separate household, which he is free to do at any time, either in

Vermont or in the state where he attends college. Also, if and when he is living with the petitioner and eating most of his meals in her home, the petitioner can apply at that time to add him as a member of her household.

At this time, however, based on the information provided by the petitioner, it must be concluded that the Department's decisions regarding her household status and the amount of her Food Stamps are in accord with the regulations. Thus, those decisions must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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