

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 18,802  
 )  
Appeal of )  
 )

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistance, Transition, and Health Access (PATH) reducing her Food Stamp benefits due to a decrease in her shelter allowance.

FINIDNGS OF FACT

1. The petitioner is a Food Stamp recipient who was notified in November of 2003 that her Food Stamps would decrease from \$89 to \$10 per month on December 1, 2003, based on a change in her shelter situation.

2. Prior to last fall, the petitioner lived in Section 8 subsidized housing with the utilities included in the rent. Following an accident, she moved in with her father who does not charge her for rent or utilities. The petitioner now has a total monthly income of \$616 per month from Social Security and SSI income. She also receives Medicaid. She was denied fuel assistance due to her lack of heating expenses. Her

money is used solely for uncovered medical expenses, food and personal items.

3. PATH determined after talking with the petitioner that she had no excess medical expenses and no shelter expenses which could be deducted from her income. Her eligibility was calculated by subjecting her monthly income to a standard \$134 per month deduction, for a countable income of \$482. PATH determined based on that countable income that the petitioner is eligible for \$10 per month in Food Stamps.

ORDER

The decision of PATH is affirmed.

REASONS

The petitioner does not dispute that her unearned income from Social Security and SSI is countable in determining her Food Stamp eligibility. F.S.M. 273.9b(2)(i). She disputes, however, that she is getting the appropriate deductions from her income, particularly a deduction for shelter expenses. Under the Food Stamp program there are five possible deductions from income: a standard deduction given to every household; a deduction from earned income of \$90; a deduction for uncovered medical expenses in excess of \$35 per month; a deduction for dependent care costs or child support payments

and a deduction for excess shelter costs. F.S.M. 273.9(d)(1-7).

PATH determined that the petitioner had presented no facts which would entitle her to any deductions other than the standard deduction which is \$134 per month. P-2590 A1. The facts presented at hearing indicate that PATH is correct. However, the petitioner argues that she has received a utility deduction in the past although her heat was included in her rent because she received fuel assistance. She believes that she should not be penalized from receiving a shelter allowance this year because she is not eligible for fuel assistance.

Food Stamp regulations do consider a person who is found eligible for fuel assistance to be eligible for a standard heating deduction even if the heat is included in the rent. F.S.M. 273.9d(6)(2)(b). The regulations in effect consider some of the rent paid to include a cost for heat. However, the same reasoning would not apply to a person who has no rental obligation whatsoever. The petitioner cannot get a shelter deduction if she gets her shelter at no cost.

PATH is correct that the petitioner's countable income is \$482 per month, representing the remainder after her gross income is subjected to the standard deduction. Under the regulations, a person with an income of \$482 per month is

eligible for \$10 per month in Food Stamps. P-2590 D6. PATH's decision to reduce the petitioner's Food Stamps to that level is thus correct and must be upheld by the Board.

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