

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,814
)
Appeal of)
)

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistance, Transition, and Health Access (PATH) reducing his Food Stamp benefits based on his son's receipt of General Assistance benefits.

FINDINGS OF FACT

1. The petitioner is a disabled man who lives in a household with his adult son who is under the age of twenty-one. The petitioner's son is trying to gain disability benefits but has none at present.

2. In mid-December 2003, PATH granted the petitioner's son \$60.20 in General Assistance benefits. Following that grant, PATH re-calculated the household's eligibility based on the new income. It used the petitioner's Social Security benefits of \$604.04 per month and added the \$60.20 to that amount. The result was the petitioner's countable income after PATH deducted \$134 as a standard deduction and \$458.88

as a shelter/utility deduction,¹ was \$71.36. Before this the petitioner's household had no countable income.

3. PATH determined that the petitioner was eligible for \$237 in Food Stamps based on this new income. PATH sent a notice to the petitioner on December 17, 2003 stating that his Food Stamps would be reduced effective January 1, 2004 from \$259 to \$237 per month based on the new income.

4. The petitioner appealed the decision and his benefits were continued at the prior level pending appeal. The petitioner's son continued to receive monthly General Assistance benefits through February 27, 2004.

ORDER

The decision of Path is affirmed.

REASONS

Under the Food Stamp Regulations, the amount of a household's monthly allotment is determined according to household income minus any applicable deductions. F.S.M. §

¹ The petitioner's shelter cost of \$724 per month did not change but the shelter allowance did because the deduction is a percentage of countable income. Before the change, the amount of his shelter which consumed more than 50 percent of the petitioner's countable income of \$470.04 (\$604.04 minus the \$134 standard deduction) was \$488.98. After the petitioner's countable income went up to \$530.24 (\$664.24 minus the \$134 standard deduction) the amount of his shelter which consumed more than 50 percent of his countable income was \$458.88.

273.9 et. seq. All income, from whatever source, unless specifically excluded is countable as household income.

F.S.M. 273.9(b). General assistance benefits are not specifically excluded, rather they are included in the definition of unearned income as a public assistance program based on need. F.S.M. 273.9(b)(2)(i).

All households with two persons are entitled to a standard deduction of \$134 (F.S.M. § 372.9d(1), Procedures Manual P-2590A) and to an excess shelter deduction in the amount that their shelter costs exceed fifty percent of their countable income after deductions. (F.S.M. § 273.9d(5)).

The petitioner's household's total gross income, including both disability and general assistance benefits, was \$664.24 per month. PATH gave the petitioner a standard deduction for a countable total of \$530.24 per month. The petitioner presented no other evidence at that time that he had any other possible expense deductions other than shelter.

The amount by which the petitioner's shelter expense of \$724 per month exceeds fifty percent of the petitioner's countable income of \$530.24 per month is \$458.88 (\$724 (the shelter cost) - \$265.12 (half of the countable income)). That \$458.88 is further deducted from the \$530.24 for a total countable income \$71.36.

A household of two with \$71.36 in countable income is entitled to \$237 in monthly Food Stamp benefits under PATH's regulations. P-2590D2. It must be found that PATH acted in accordance with its regulations in calculating the amount of the petitioner's family's food stamps. The Board must therefore uphold its decision. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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