

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,999
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Appeal of)
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INTRODUCTION

The petitioner appeals a decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) terminating his Food Stamp benefits due to the receipt of unemployment compensation benefits.

FINDINGS OF FACT

1. The petitioner was employed at a rate of \$8 per hour as a substitute teacher when he was laid off from his job in December of 2003. While he was teaching he was able to receive some Food Stamps. At the time he was laid off he began to receive Food Stamp benefits of \$141 per month, the maximum amount for a single person.

2. The petitioner began receiving unemployment compensation of \$1,281.40 per month in January of 2004 which income he reported to PATH.

3. PATH recalculated the petitioner's eligibility based on this new income and notified the petitioner on January 16, 2004 that his gross unearned income from unemployment benefits

was in excess of the maximum gross income for an individual of \$973 per month. He was told that his Food Stamps would end on January 31, 2004.

4. The petitioner continued to receive the same amount of unemployment compensation throughout February and March of 2004. The petitioner's benefits ran out at the end of March but a new benefits year was to started for him on April 15 although he received a lower benefit amount. The petitioner has re-applied for Food Stamps based on his new income.

5. The petitioner does not dispute that unemployment compensation is countable income but thinks it was wrong for him to get less Food Stamps when he was unemployed than when he was employed.

ORDER

The decision of PATH with regard to the calculation of the petitioner's benefits is affirmed.

REASONS

PATH's Food Stamp regulations, which are modeled closely on the federal Food Stamp regulations, require the inclusion of unemployment income as "unearned income" when calculating Food Stamp eligibility. F.S.M. 273.9(b)(2)(ii). "Unearned income" is not subject to the same kinds of deductions for

work expenses that "earned income" is. See 273.9(d)(2). Because of this, it is possible for the petitioner's Food Stamp allotment to be lower when he is unemployed than when he is employed and receiving deductions from his income.

The Food Stamp regulations do not allow single individuals with gross income in excess of \$973 to be eligible for benefits. F.S.M. 273.9(a) and Procedures Manual 2590 C. As PATH's decision to terminate the petitioner's benefits during the periods of time when he had that income was correct, the Board must uphold it as consistent with its regulations. The petitioner is advised to report any reduction of his income to PATH immediately for a re-determination of his eligibility.

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