

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 19,229  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families (DCF) closing her Food Stamps grant. 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 four persons, currently has gross income from child support and unemployment benefits of \$2,724.90 a month.

2. The petitioner began receiving Food Stamps in June 2004 of \$270 a month based on her sole income at that time, which was child support. When she also began receiving unemployment benefits the Department notified her on July 20, 2004 that her Food Stamps would end on July 31 due to her no longer meeting the gross income test.

3. The petitioner appealed because the Department did not consider her expenses in determining her continuing eligibility. At the hearing in this matter (held on October 5, 2004) the petitioner also noted that \$300 of her child support is "earmarked" for one of her children's ongoing medical needs.

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 (FSM) § 273.9(a). The maximum gross income for a household of four persons is \$1,994 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 her income. Even if she could fully deduct the amount of her child support earmarked for her child's medical needs, her "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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