

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing Nos. 19,231
) & 19,232
Appeal of)

INTRODUCTION

The petitioners appeal decisions by the Department of Children and Families Economic Services (DCF) reducing their Food Stamp benefits. Although the petitioners are separate Food Stamp households, the reduction arose from the same set of facts making these cases appropriate for consolidation.

FINDINGS OF FACT

1. The petitioners are a mother and her adult son who live together in a motel suite that includes kitchen facilities. They each receive Food Stamps as their own household. The mother's income from SSI is \$616.04 per month. The son's income is from Social Security benefits amounts to \$667 per month.

2. In December of 2003, the petitioners were both asked to provide a shelter expense statement to DCF in order to calculate their Food Stamps. They gave the form to the general manager of the motel who reported that their rent was \$45 per day. DCF took that figure and determined that the

total monthly rent for the unit shared by the petitioners was \$1,354.50 per month. That rent was allocated fifty/fifty to the petitioner and her son.

3. Six months later in June of 2004, DCF reviewed the petitioners' eligibility and again asked for a shelter form. The manager filled out the form this time reporting that the monthly rent, at least for the month of May, was \$1,095 per month. Based on that lower shelter amount, which was again divided between the petitioners, DCF reduced the amount of Food Stamps from \$127 to \$88 for the mother and to \$65 for the son.

4. The petitioners argue that their Food Stamps should not have been reduced because the shelter form provided by the manager does not accurately reflect the shelter they will be paying in the next six months. The cost of their motel suite varies by the time of year due to seasonal fluctuations in the motel rate. Their shelter cost for May is one of the lowest they pay during the year.

ORDER

The petitioner's request to continue this matter is denied and the decision of DCF is affirmed.

REASONS

Under DCF regulations, Food Stamp countable income can be reduced if recipients have excess shelter costs. F.S.M. § 273.9(d)(5). The regulations deduct \$134 as a standard allowance from a recipient's gross income and, to the extent that shelter costs exceed fifty percent of the remainder, that excess is further deducted to obtain the final countable income. F.S.M. § 273.9(d)(1) and (5). The petitioners do not argue that DCF has incorrectly calculated their shelter expense based on the information that it was given by the motel manager. Rather they argue that the information supplied by the motel manager is incorrect.

DCF calculates eligibility based on information supplied by recipients and their landlords. It can only use amounts of rent actually verified by the landlord. F.S.M. § 273.2(f). If the petitioners disagree with what the motel manager has supplied to DCF, they must get the motel manager to correct the form. The petitioners were advised that they could either provide a new form every month to show their new rent figures or, more conveniently, ask the manager to average their rent payments over a year or six month period to give DCF a more accurate picture of their shelter costs. It cannot be said that DCF acted outside of its rules with regard to the

information actually supplied to it and the Board is thus bound to uphold its current decision with regard to the amount of Food Stamps for which the petitioners are eligible. 3 V.S.A. § 3019 (d), Fair Hearing Rule 17.

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