

3. The Department calculated the household's earnings based on information provided by the son's employer for the month of January 2005.

4. The petitioner maintains that her son changed jobs and actually had less earnings beginning in February. However, as of the date of the hearing in this matter (March 22, 2005), she had not provided the Department with verification of her son's earnings for the 30-day period prior to March 1, 2005.

ORDER

The Department's decision is affirmed.

REASONS

Food Stamp Manual § 273.9 provides a limited list of specific exclusions from income. One of them is the earned income of "children who are members of the household, who are students at least half time, and who have not attained their 18th birthday". Id. § 273.9(c)(7). There is no dispute in this matter that the petitioner's son turned 18 on February 29, 2005. Nothing in the regulations allows or requires the Department to wait thirty days *after* a household member's 18th birthday to begin counting his income for Food Stamps.

The Department based its decision regarding the amount of the petitioner's son's income on the last verified information it had regarding his employment. If the petitioner feels this is incorrect, she is free to provide any further information in this regard. The Department indicated it is willing to recalculate the petitioner's Food Stamps as soon as it has verification of the son's change in employment and income. This fair hearing concerns only the Department's decision to count the son's income based on his age. The petitioner was advised that she can file a separate appeal regarding the amount of her son's income since February 1, 2005, including any issue as to verification.

At this time, however, inasmuch as the Department's decision to count the income of the petitioner's son effective March 1, 2005 is in accord with the regulations, that decision must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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