STATE OF VERMONT

HUMAN SERVICES BOARD

In re	)	Fair Hearing No. 19,758
	)	
Appeal of	)	

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division, (DCF), finding him eligible for only $10 in Food Stamp benefits. The issue is whether the petitioner received all of the shelter deductions to which he is entitled.

FINDINGS OF FACT

1. The petitioner is an elderly man whose sole source of income is government benefits. He receives $638 per month in Social Security benefits and $466 per month in Veterans' Administration benefits, for a total of $1,104 per month. He lives alone and has no dependents.

2. The petitioner applied for Food Stamp benefits in March of 2005. At that time he reported to DCF that he has $78.20 per month in medical expenses not covered by Medicare and Medicaid. The petitioner also reported that, although he owns his home and has no mortgage, he pays $3,573.33 per year in real estate taxes, $656.07 per year for homeowner's

insurance, and about $1,500 per year in fuel expenses. The petitioner does not have any expenses associated with earning income or dependent care.

3. DCF figured the petitioner's monthly shelter expense by adding his monthly insurance and tax bill, $352.75 ($4,229.40 divided by 12), to a standard utility amount of $407 for persons who pay all their own utilities for a total of $759.45 per month.

4. DCF figured the petitioner's countable income by deducting a standard amount of $134 from his income and $43.20 for the medical expenses which exceeded $35.00 per month. DCF then looked to see how much of the petitioner's shelter expense exceeded fifty percent of the $926.80 remainder, or $463.40. By deducting $463.40 from $759.45, DCF arrived at an excess shelter amount of $296.05. That amount was further deducted from the countable income of $926.80 for a final countable income of $630.75. Based on that income, DCF determined that the petitioner was eligible for $10 in Food Stamps. He was notified of that decision in writing on April 25, 2005.

5. The petitioner appealed that decision on June 15, 2005. At the hearing held on July 7, 2005, the petitioner stated that he did not think DCF had considered all of his

housing expenses. He enumerated the same expenses as were considered above. At that time, DCF did not have the file containing all of the expenses it used and agreed to retrieve that information and review the calculations.

6. On August 12, 2005, DCF advised the hearing officer and the petitioner by letter that it had indeed considered all of the calculations mentioned by the petitioner at hearing and provided copies of the tax bill and its calculations. DCF also advised the hearing officer that the petitioner's eligibility specialist had discussed and explained the matter to him subsequent to the fair hearing.

ORDER

The decision of DCF is affirmed.

REASONS

DCF's Food Stamp regulations require that Social Security and Veterans' Administrations benefits be counted as "unearned income" in determining eligibility subject to certain enumerated deductions. F.S.M. 273.9(b)(2)(ii). Deductions for which the petitioner's circumstances qualify are: the $134 standard deduction given to everyone (F.S.M. 273.9(d)(1), P-2590(A); medical expenses in excess of $35 which are not covered by other health insurance (F.S.M.

273.9(d)(3); and a shelter deduction for shelter amounts which exceed fifty percent of the income remaining after the other deductions are taken (F.S.M. 273.9(d)(5)(i).

Shelter expenses are calculated by adding together continuing charges, such as monthly rent or mortgage payments, along with annual real estate tax and insurance amounts modified to reflect monthly averages and the cost of utilities. F.S.M. 273.9(d)(5)(i). To simplify utility calculations, DCF has adopted “standard allowances” depending upon the utilities which the applicant must pay. F.S.M. 273.9(d)(6)(ii). For applicants who pay all of their own utilities, the monthly standard is currently $407 per month. P-2590 A(5). This allows the petitioner $4,884 annually to pay for his utilities, an amount far in excess of what the petitioner reports actually using. As such, it cannot be found that use of this standard is unfair to him.

After all of these deductions were made from the petitioner’s gross income, DCF correctly determined that the petitioner’s countable income for Food Stamp eligibility was $630.75 per month. Under the regulations, a single person household with that income is entitled to $10 per month in Food Stamps. P-2590D(7).

DCF followed all of the regulations set forth above in calculating the petitioner's Food Stamp eligibility. As there were no errors either in the regulations used or the calculations made, the Board must affirm the decision of DCF. 3 V.S.A. § 3091(d), Fair Hearing Rule 17. The petitioner should be aware that his eligibility for Food Stamps, however small, makes him financially eligible for the Fuel Assistance program.[1] He is encouraged to apply for benefits in that program to assist with the shortfall he feels in making ends meet.

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[1]He may still need to meet fuel use and expense requirements.