

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 19,898
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services (DCF) reducing his Food Stamps. The issue is whether the Department correctly determined the petitioner's benefits according to the pertinent regulations.

FINDINGS OF FACT

1. The petitioner lives with his wife. Their income from their combined Social Security benefits is \$1,072 a month. They both receive Medicare and Medicaid benefits.

2. Based on housing and uncovered medical expenses reported by the petitioner the Department allows him deductions from his income for shelter expenses and excess medical expenses. Because these amounts vary, the Department often makes monthly adjustments in the petitioner's Food Stamp payments.

3. In July 2005 the Department discovered that it had been making an error in determining the amount of the

petitioner's medical expenses. The Department admits that it erroneously counted certain medical expenses twice, thus allowing the petitioner a larger medical expense deduction than to which he was entitled. On July 22, 2005 the Department notified the petitioner that based on its corrected determination of the petitioner's medical expenses the petitioner's Food Stamps would be reduced from \$126 to \$71 a month effective August 1, 2005.

4. At a hearing in this matter held on September 21, 2005 the petitioner did not disagree with any of the Department's determinations regarding his income and expenses in July.¹

5. It appears the petitioner's appeal in this matter is based largely on the fact that he has always accurately reported his expenses. He did not specifically argue, however, that the Department should not be allowed to prospectively correct a mistake in the computation of his benefits.²

¹ At the hearing he petitioner reported increases in his housing and medical expenses incurred subsequent to July. The Department agreed to adjust the amount of the petitioner's ongoing Food Stamps accordingly.

² It does not appear that the Department has made a determination regarding an overpayment.

ORDER

The Department's decision is affirmed.

REASONS

Inasmuch as the petitioner does not dispute that Department's decision in this matter accurately reflected his income and expenses in July 2005, and could not show that the amount of his Food Stamps was not determined in accord with the applicable regulations, the Board is bound by law to affirm the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

#