

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. R-01/17-43  
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Appeal of )  
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INTRODUCTION

The petitioner appeals decisions by the Department for Children and Families, Economic Services Division, terminating his fuel assistance and 3SquaresVT benefits effective January 31, 2017. The issue is whether the Department correctly determined his eligibility for these programs in light of an increase in the petitioner's income.

The following findings are not in dispute, and are based on the representations of the parties at and documents submitted pursuant to a telephone hearing held on February 7, 2017.

FINDINGS OF FACT

1. The petitioner lives alone and receives Social Security benefits in the amount of \$1,189.00 per month. Prior to January 2017, based on this income and his reported shelter and utility expenses, he received fuel assistance and \$194 a month in 3SquaresVT benefits.

2. Sometime prior to January 2017 the petitioner began working, and he reported that his gross earnings were \$966.81 a month. Based on this additional income, the Department notified the petitioner, in a decision dated January 12, 2017, that he would no longer be eligible for fuel assistance and 3SquaresVT benefits as of January 31, 2017.

3. In determining his eligibility for 3SquaresVT, the Department allowed the petitioner a standard deduction of \$157.00 and an additional standardized earned income deduction of \$193.36. Although his rent and utilities remained the same, the amount of these expenses that are deductible from his income decreased from \$1,070.00 to \$673.27 a month (see *infra*).

4. After applying these allowable deductions from his gross income, the Department determined that the petitioner had countable 3SquaresVT income of \$1,132.18 a month, which is in excess of the \$990 maximum net income amount for a single person household.<sup>1</sup>

5. For fuel assistance, the Department determined that his gross income (\$2,155.81) was in excess of the maximum

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<sup>1</sup>At the hearing the petitioner stated that his work hours and income had just recently been reduced. He was advised to immediately reapply for benefits based on this change in circumstances.

(\$1,129.00) allowable for eligibility for that program maximum.

ORDER

The Department's decision is affirmed.

REASONS

The 3SquaresVT program (formerly food stamps) was created to combat hunger and malnutrition among low-income households. Rule § 271.1. The amount of benefits that a household receives is based upon a complex formula that is set out in the regulations. Rules §§ 273.9 *et seq.*

This formula includes all income except for income that is specifically excluded. Rules §§ 273.9(b) and (c). This includes Social Security benefits and earnings from employment. As noted above, the Department allowed the petitioner a universally-applied standard deduction, as well as a standardized deduction from his earned income.

The rules set out other deductions that are based on the household's living expenses. These deductions include (when applicable) excess medical and childcare expenses and (for most households) a shelter/utility allowance. Rule § 273.9(d).

The shelter/utility allowance is the amount in excess of half of a household's monthly income after all other deductions are allowed. Rule § 273.9(d). In most cases the Department adds a standardized fuel and utility allowance to the household's rent, and then determines the amount, if any, that these expenses exceed one half of the household's income. In the petitioner's case, even though his *actual* shelter expenses didn't change, because his income had increased substantially, his *allowable* shelter expense decreased.

Based on the above, there is no dispute that the Department correctly determined that the petitioner's countable 3SquaresVT income in January was \$1,132.18 per month. The maximum allowable net income for a household of one is \$990.00 per month. Procedures Manual § P-2590D.

For fuel assistance, the threshold income test is based on a household's gross earned and unearned income, with no allowable deductions. Rule §§ 2930-2933. The gross income limit for a household of one is \$1,129.00. As noted above, the petitioner's income is well in excess of this amount.

Thus, the Department's decisions terminating the petitioner's 3SquaresVT and fuel assistance benefits must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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