

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-01/08-07
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services Division, to reduce her Food Stamp benefits. The issue is whether the Department correctly determined the amount of petitioner's Food Stamps. The decision is based upon the testimony adduced during the January 17, 2008 fair hearing.

FINDINGS OF FACT

1. The petitioner is a disabled individual whose source of income is Supplemental Security Income (SSI) disability benefits in the amount of \$675.04 per month.

2. On or about December 6, 2007, petitioner met with her caseworker D.K. for a periodic certification review of Food Stamp eligibility. At the time of her review, petitioner received \$162 Food Stamps per month.

3. On or about December 6, 2007, D.K. gave petitioner a shelter expense form for petitioner's landlord to complete by December 18, 2007. A Verification Review was sent that

day to petitioner informing petitioner that she needed to submit the shelter expense form by December 18, 2007 or her Food Stamp benefits would end December 31, 2007.

4. Petitioner did not submit the shelter expense form by December 18, 2007. The Department sent petitioner a timely Notice of Decision on December 19, 2007 closing petitioner's Food Stamps on December 31, 2007 for lack of verification.

5. Petitioner testified that she has not been staying at her apartment since December 6, 2007 due to safety concerns upon learning that an abusive boyfriend was now in the area. Petitioner is working with several social service agencies while she is being temporarily housed by friends until new housing is secured for her. Once her housing is secure, petitioner can submit updated information and ask that her Food Stamps be recalculated.

6. Petitioner met with her caseworker on or about December 24, 2007. At that time, the caseworker reopened petitioner's Food Stamp case but removed the shelter/utility allowance because there was no verification of shelter expenses. The caseworker recalculated petitioner's monthly food stamp eligibility based on subtracting the standard deduction of \$134 from petitioner's unearned income of

\$675.04 leaving Food Stamp income of \$541.04. Petitioner filed an appeal on January 8, 2008.

ORDER

The Department's decision is affirmed.

REASONS

The amount of Food Stamps a household receives is based upon a complex formula that is set out in Food Stamp Manual (FSM) § 273.9. Once a household is certified for Food Stamps, the household's eligibility is reevaluated periodically to determine whether the household continues to meet the eligibility requirements, and if so, the amount of the benefit. FSM § 273.14.

In particular, the recertification procedures state that "[n]o household may participate beyond the expiration of the certification period . . . without a determination of eligibility for a new period." FSM § 273.14(a). As part of the recertification process, petitioner was asked on or about December 6, 2007 to bring in a completed shelter expense form by December 18, 2007 so that the caseworker could determine petitioner's continuing eligibility for Food Stamps. Petitioner was informed that her Food Stamps would close if the verification was not provided. When the caseworker did

not receive the shelter expense form by December 18, 2007, the caseworker sent petitioner a notice closing her Food Stamps effective December 31, 2007. Such a notice is appropriate under the regulations.

The December 19, 2007 Closure Notice included a provision allowing for Food Stamps to be recalculated without a new application if petitioner came into the Department prior to December 31, 2007. Petitioner saw her caseworker prior to the closure date allowing the Department to recalculate benefits for January 2008.

When petitioner saw her caseworker on December 24, 2007, petitioner did not supply her caseworker with any information that would allow the caseworker to apply a shelter/utility allowance. The caseworker computed petitioner's monthly Food Stamps by subtracting the standard deduction of \$134 from petitioner's SSI of \$675.04. FSM § 273.9(d)(1), P-2590(A)(1). The caseworker did not apply a shelter/utility deduction because there was no documentation to support the deduction.

The monthly Food Stamp benefit is based upon household size and countable income. Petitioner is a one person household and has \$541.04 in countable Food Stamp income.

Based on the levels found at P-2590(D), petitioner is entitled to \$10 in monthly benefits.

The Department's determination that petitioner is entitled to \$10 in monthly Food Stamps is affirmed.

3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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