

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. A-09/09-489  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services Division, decreasing the amount of her Three Squares Vermont (food stamps) benefits. The issue is whether the Department correctly reduced the amount of petitioner's benefits.

Petitioner does not dispute the income figures the Department used to compute her benefits.

FINDINGS OF FACT

1. The petitioner has faced similar changes in her Food Stamp benefits in the past given the nature of her employment.

2. The petitioner is employed through the St. Albans school district and earns \$13.19 per hour. Petitioner is paid over the course of the school year or over a ten month period.

3. The Department sent petitioner a Notice of Decision on August 7, 2009 determining that her Food Stamp allotment

was \$331 for the month of September 2009 based on no earned income and no unearned income. Petitioner formerly received child support or unearned income of \$645 per month, but she received her last child support on August 6, 2009. Her daughter is now eighteen years old and has started her freshmen year of college.

4. The Department sent petitioner a Notice of Decision dated August 13, 2009 that her Food Stamps would be reduced to \$162 per month based on gross earned income of \$1,517.50 per month. Petitioner appeals from this Notice.

5. The petitioner is receiving continuing benefits.

6. A fair hearing was held on October 14, 2009. The petitioner does not dispute the income figures used by the Department and does not dispute the calculations. Her dispute is with the amount of benefits.

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp Program was created to combat hunger and malnutrition among low income households. Food Stamp Manual § 271.1. The amount of Food Stamps a household receives is based upon a complex formula that is set out in the Food

Stamp Manual (FSM) and that reflects the level of federal funding for the Food Stamp Program. FSM § 273.9. This formula includes all earnings except for those earnings that are specifically excluded. FSM § 273.9(b).

Changes to a household's income trigger a recalculation of Food Stamp benefits. Because petitioner is employed through a school district, petitioner's income changes in conjunction with the school year. Petitioner has significantly less income during the two summer months in which she does not receive wages.

Although petitioner finds that her income is not sufficient during the school year, the Board must apply the income standards set by federal law and incorporated in Vermont's Food Stamp Manual. The Department has accurately computed petitioner's countable income.

Accordingly, the Department's finding that the petitioner's Food Stamps should be reduced to \$162 per month is affirmed. 3 V.S.A § 3091(d); Fair Hearing Rule No. 1000.4D.

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