

## HUMAN SERVICES BOARD

## INTRODUCTION

## FINDINGS OF FACT

1. The petitioner and his wife comprise a two-person household for the 3Squares VT program.
2. The petitioner is disabled and receives \$736.04 per month in Social Security disability benefits. Petitioner's spouse is an essential person providing care to petitioner and she receives \$451.00 per month from the Department. The total monthly household income is \$1,187.04.
3. The petitioner was recently approved for the Section 8 housing program. As a result, their rental obligation changed from \$750.00 per month to zero effective

November 1, 2009. The petitioner was also given \$34.00 per month utility assistance from the local housing authority.

4. The change in the petitioner's rental obligation triggered a review of his 3Squares VT benefits.

5. On October 26, 2009, the Department sent the petitioner a Notice of Decision that his 3Squares VT benefits would be reduced from \$329.00 per month to \$119.00 per month effective December 1, 2009. The change was due to a reduction in the shelter/utility allowance allowed under the regulations.

6. The petitioner timely requested a fair hearing allowing for continuing benefits. A fair hearing was held on January 13, 2010.

#### ORDER

The Department's decision is affirmed.

#### REASONS

The Food Stamp Program (3Squares VT) 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 shelter expenses. FSM § 273.9(b).

Changes to a household's shelter expenses trigger a recalculation of benefits. The Department properly responded to the change in petitioner's shelter costs by recalculating the amount of benefits. An offset in rent normally leads to a reduction in the amount of 3Squares VT.

The shelter/utility deduction is determined by (a) adding the rent to the utility allowance, and (b) subtracting an amount equal to 50 percent of the household's net income. FSM § 273.9(d)(5)(i).

Based on the above formula. Step (a) included adding the \$744.00 utility allowance to zero rent for \$744.00. Step (b) included a determination of 50% of the household's net income. The petitioner's net monthly income is \$1,046.04 (after subtracting the standard deduction from the petitioner's gross monthly income); half this amount is \$523.02. The shelter allowance is \$220.98 (744.00 minus 523.02). This allowance is considerably lower than the allowance allowed when the petitioner paid rent of \$750.00 per month. However, the Department's calculations are accurate.

Once the Department used the new shelter/utility allowance, they correctly determined that petitioner was now eligible for \$119.00 in benefits.

Because the Department correctly recalculated the change in petitioner's benefits, the Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

# # #