

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-01/10-21
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division, reducing her Three Squares Vermont to zero. Although petitioner met the gross income test for Three Squares Vermont, she did not meet the net income test. Reducing Three Squares Vermont to zero keeps the petitioner's family eligible for other food programs.

A hearing was held on February 11, 2010. The record was kept open to allow for a redetermination of petitioner's eligibility after checking the status of the child support petitioner receives and checking that all deductions were allowed. Although the figures changed, petitioner's income continued to be over the net income test.

The following decision is based on the evidence from hearing and subsequent redetermination.

FINDINGS OF FACT

1. The petitioner lives in a three-person household. Her household includes her two minor children.

2. On December 5, 2009, the Department sent petitioner a Notice of Decision that her countable income was \$2,105.08 per month making her eligible for Three Squares Vermont benefits in the amount of zero. Petitioner appealed from this decision.

3. The petitioner is employed. As part of her redetermination, petitioner supplied paystubs for a four-week period. The petitioner's gross monthly income is \$1,897.89. There is no dispute as to the amount of wages.

4. The petitioner receives child support. There was a question as to the amount. Subsequent to the hearing, the Department verified from the Office of Child Support that petitioner received \$230.79 per week.

5. Subsequent to the hearing, the Department recalculated petitioner's countable income. They applied all applicable deductions including the earned income deduction, childcare deduction, standard deduction and the shelter/utility allowance. As a result, the Department determined that petitioner's countable income was \$2,055.08.

This amount was more than the monthly net income maximum leaving a zero benefit.

ORDER

The Department's decision is affirmed.

REASONS

The Three Squares Vermont program was created to combat hunger and malnutrition among low-income households. Food Stamp Manual (FSM) § 271.1. The amount of Three Squares Vermont that a household receives is based upon a complex formula that is set out in the regulations. FSM § 273.9.

This formula includes all earnings except for those earnings that are specifically excluded. FSM §§ 273.9(b) and (c). The exclusions do not apply to petitioner. In addition, the formula sets out certain deductions that can be used to calculate a household's countable income. These deductions include a 20 percent earned income deduction, a standard deduction of \$144 per month, a childcare deduction (when applicable) and a shelter/utility allowance. FSM § 273.9(d).

Subsequent to the hearing, the Department confirmed the amount of child support, added a childcare deduction, and recalculated the shelter/utility allowance. Unfortunately,

the petitioner's monthly countable income of \$2,055.08 remained above the net income guidelines for a family of three. See P-2590D. If petitioner's income or expenses (child care or rent) change in the future, petitioner should have the Department recalculate her benefits.

Based on the above, the Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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