

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-03/10-163
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division, reducing the amount of 3Squares VT (food stamps) that her household receives. The issues are whether the Department correctly determined the household composition and amount of benefits.

The material facts are not in dispute.

FINDINGS OF FACT

1. The petitioner lives with her husband and two daughters. The petitioner and her husband receive \$1,929 in unearned income from the Social Security Administration and the Veteran's Administration. Their youngest daughter is fifteen years old. Their oldest daughter is twenty years old and a full-time student at a local college.

2. The petitioner's oldest daughter had been at a college out of the area previously. The daughter pays her parents rent that the parents use to cover the daughter's health and car insurance. The daughter works part-time.

3. Through an error, the Department considered petitioner's household to consist of three members and listed the older daughter as a renter. The Department caught the error and issued a Notice of Decision dated March 18, 2010 changing the eligible number of people in the household from three to four, including the older daughter's wages, and recalculating the amount of Food Stamps. The household's Food Stamp allotment was decreased from \$385 per month to \$183 per month effective April 1, 2010. The petitioner does not dispute the wage information used for her daughter.

4. The petitioner filed a request for fair hearing on March 25, 2010 and is receiving continuing benefits.

5. A fair hearing was held on April 13, 2010. The petitioner questioned how her Food Stamps were reduced.

ORDER

The Department's decision is affirmed.

REASONS

The 3Squares Vermont program was created to combat hunger and malnutrition among low-income households. Food Stamp Manual (FSM) § 271.1. The amount of Food Stamps that a household receives is based upon a complex formula that is set out in the regulations. These regulations take into

account household composition, the amount and types of income, and certain deductions. FSM §§ 273.1, 273.9, and 273.10.

Children under the age of twenty-two years who live with their parents are considered part of the Food Stamp household. FSM § 273.1(a)(2)(C). The Department is correct to include the older child as part of the Food Stamp household. College students need to meet the requirements of FSM § 273.5¹ to qualify for benefits, and the Department finds that the daughter meets these requirements.

The formula for determining benefits includes all earnings except for those earnings that are specifically excluded. FSM §§ 273.9(b) and (c). As a result, the older child's earnings needed to be included in household income.

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 \$153 per month, a medical deduction, and a shelter/utility allowance. FSM § 273.9(d). The Department has correctly included these deductions. The petitioner asked about other household expenses.

¹The requirements include that the student work a minimum of twenty hours per week.

Unfortunately, the regulations do not allow for these other deductions.

Based on the regulations, the Department has correctly determined household composition and the amount of Food Stamp benefits. The Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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