

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-09/10-449
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division, denying her application for fuel assistance. The issue is whether the petitioner's household is over income for the fuel assistance program.

The decision is based on the evidence adduced at fair hearing on October 21, 2010. The material facts are not in dispute.

FINDINGS OF FACT

1. The petitioner lives with her two adult children. For purposes of the fuel assistance program, they are a three-person household.

2. The petitioner applied for fuel assistance on September 22, 2010. As part of her application, the petitioner supplied the Department with income information for her household.

3. The petitioner is employed full-time and her gross monthly earnings are \$2,231.31. Petitioner's son, J.C., is

employed and his gross monthly earnings are \$1,452.71. The total monthly gross income is \$3,684.

4. The Department issued a Notice of Decision on September 22, 2010 denying petitioner's application because her household income exceeded the maximum income of \$2,824 for a three-person household. Petitioner appealed this decision.

ORDER

The Department's decision to deny fuel assistance is affirmed.

REASONS

The laws governing the Vermont fuel assistance program are found at 33 V.S.A. §§ 2601, *et seq.* The Legislature amended the fuel assistance program last spring to simplify the application process, remove the resource limits, and change income eligibility to a gross income test. H.456, No. 88, § 3.

In particular, 33 V.S.A. § 2604 was amended, in part, as follows:

The income eligibility requirements shall require that households have a gross household income no greater than 185 percent of the federal poverty level in order to be potentially eligible for benefits.

The threshold question is whether the household's income meets the gross income test. Although petitioner's household has modest income, they are above the threshold of 185 percent of the federal poverty level or \$2,824 for a three-person household. Based on the household's current income, they do not qualify for fuel assistance. If their income should change in the future, they can reapply for fuel assistance or crisis fuel assistance within the time lines set out in the September 22, 2010 Notice of Decision.

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

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