

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. A-05/11-284
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division, decreasing her 3SquaresVT (food stamps) benefits for the month of May 2011 due to the receipt of child support arrearages in the month of March 2011. The issue is whether the Department properly treated the receipt of income from a child support arrearage.

The petitioner is receiving continuing benefits. The material facts are not in dispute. The decision is based upon the evidence adduced at hearing on June 8, 2011.

FINDINGS OF FACT

1. The petitioner lives with her three minor children; Cameron, age fifteen years; Taylor, age eight years; and Caleb; age five years. The petitioner constitutes a four-person household for food stamp benefits.

2. Petitioner's source of income is child support paid by the fathers of her three children pursuant to Family

Division Orders. Cameron's father is ordered to pay \$80.00 per week or \$344.00 per month. Taylor's father is ordered to pay \$498.00 per month. Caleb's father is ordered to pay \$200.00 per month. Petitioner explained that she does not always receive the full amount of monthly support and that she is owed an arrearage of child support from each father. Petitioner usually receives between \$500.00 to \$600.00 in monthly food stamp benefits depending on the amount of child support paid. Petitioner received \$605.00 in food stamps for the month of April 2011 based on \$819.53 child support received in February 2011. There is a two-month lag between the receipt of child support and the payment of food stamps based on that child support.¹

3. The Office of Child Support helps petitioner. OCS uses income tax intercepts to collect arrearages. Petitioner finds that the amount of child support collected increases during the beginning of each calendar year due to the income tax intercepts.

4. During March 2011, petitioner received the sum of \$3,456.76 from the Office of Child Support. Based on petitioner's income for March 2011, the Department

¹Before the Department can change the amount of food stamps, they need to give advance written notice to the recipient.

recalculated petitioner's food stamp benefits and found her eligible for zero food stamps for the month of May 2011.² The maximum net monthly income for a household of four is \$1,838.00. Petitioner was concerned that she would have insufficient income to purchase food in May 2011. Petitioner appealed the April 6, 2011 Notice of Decision and is receiving continuing benefits.

5. Petitioner used the monies from the child support arrearage to purchase a used car, pay her tickets, obtain her driver's license, pay her car registration, and pay for six months of car insurance. Petitioner explained that her youngest child starts school this fall and she is trying to position herself for further education and future work.

ORDER

The Department's decision is affirmed.

²Although the amount of petitioner's food stamps was zero for May 2011, her household remained eligible for other food programs such as free and reduced school lunches.

REASONS

The Food Stamp Program was created to combat hunger and malnutrition among low-income households. Food Stamp Manual (FSM) § 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.

FSM § 273.9(b) states:

Household income shall mean all income from whatever source excluding only items specified in paragraph (c) of this section.

Child support is considered unearned income. FSM § 273.9(b) (2) (iii).

Changes to a household's income trigger a recalculation of Food Stamp benefits. The exclusions found in FSM § 273.9(c) do not apply to petitioner's circumstances.

The Department properly recalculated the petitioner's amount of food stamps upon notification of the child support received during March 2011. The Department correctly determined the amount of food stamps for the month of May 2011. Petitioner's food stamps should be recalculated for the month of June 2011 going forward.

The Department correctly applied the regulations, and, as a result, their decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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