

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. A-11/11-668
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division, terminating her 3SquaresVT (food stamps). Petitioner objects to the Department's inclusion of her infant's father into her food stamp household.

The material facts are not in dispute. The issue is whether the Department correctly followed the regulations defining household composition.

Procedural History

Petitioner's request for fair hearing was filed on November 4, 2011. The case was scheduled for telephone hearing on November 17, 2011. The Human Services Board was not provided petitioner's telephone number by the petitioner or by the Department. Petitioner called after the scheduled time, but the Department's representative was not available. The telephone hearing was rescheduled for December 5, 2011.

The decision is based upon the representations made and the records produced during the December 5, 2011 hearing.

FINDINGS OF FACT

1. The petitioner is the mother of two children, a five-year-old son and a three-month-old infant.

2. The petitioner shares her household with T.A.

3. Petitioner and her five-year-old son received food stamps as a household of two. T.A. was considered a separate household because he purchased food and prepared meals separately from petitioner.

4. Petitioner's second child was born on September 3, 2011. T.A. is the father of the baby.

5. Petitioner timely notified the Department about the birth of her son.

6. The Department sent petitioner a Verification Change Request form on or about September 23, 2011 seeking wage information regarding T.A. The Department asked petitioner to provide information by October 5, 2011.

7. On or about October 4, 2011, the Department received a letter from T.A. dated October 2, 2011 indicating that although petitioner and T.A. lived in the same apartment, they lived separately within the apartment. T.A. paid the rent and power bill (\$1,135.00 per month) and petitioner paid the remaining bills (\$400.00 per month).

T.A. wrote that that they were not married and did not share any funds. He wrote that he was employed by the Marines and in the apartment one day per week. He did not give income information; he wrote he was confused and provided a contact number for the Department to call him.

8. On or about October 15, 2011, the Department issued a Notice of Decision informing petitioner that her Food Stamps would end on October 31, 2011 because petitioner did not provide the information the Department needed to determine continuing eligibility.

9. On or about October 26, 2011, petitioner submitted a handwritten letter from T.A. indicating that his gross monthly wages were \$4,600.00. T.A. separated from the Marines on or about November 15, 2011.¹

10. Petitioner reapplied for food stamp benefits on or about November 28, 2011.

11. Petitioner disputes the inclusion of T.A. in her food stamp household.

¹Given T.A.'s wages in October 2011, the household would have been over-income for food stamp benefits.

ORDER

The Department's decision is affirmed.

REASONS

The 3SquaresVT (food stamps) 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. FSM § 273.9.

The food stamp program provides benefits to "households". The term "household" is defined at Food Stamp Manual (FSM) § 273.1 as follows:

(a)1. General Definition

A household is composed of one of the following individuals or groups of individuals provided they are not residents of an institution (except as otherwise specified in paragraph (e) of this section), are not residents of a commercial boarding house, or are not boarders (except as otherwise specified in paragraph (c) of this section):

- i. An individual living alone;
- ii. An individual living with others, but customarily purchasing food and preparing meals for home consumption separate and apart from the others;
- iii. A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

2. Special Definition

i. The following individuals living with others or groups of individuals living together **shall be considered as customarily purchasing food and preparing meals together, even if they do not do so:**

A. A spouse as defined in 271.2 of a member of the household;

B. Children (excluding foster children) under 18 years of age who live with and are under the parental control of a household member other than their parent. Children are considered to be under parental control for purposes of this provision if the children are financially or otherwise dependent on a member of the household. . .

C. **Parent(s) living with their natural, adopted or step-children 21 years of age or younger.**

(emphasis added).

Before petitioner's baby was born, her household did not include T.A. because he is not the father of her five year-old son and because T.A. bought food and prepared meals separately.

The change is that T.A. is the father of petitioner's baby. Under the regulations, they are considered to be one household even if they do not actually purchase food or prepare meals together.

There are no exceptions to this regulation.

Because the Department correctly followed the regulations, the Department's decision to include T.A. as

part of petitioner's household while he resides in the same premises is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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