

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. A-12/11-747
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division, disputing the amount of fuel assistance the Department awarded in her case. Petitioner seeks an exception to the regulations to obtain additional assistance.

The material facts are not in dispute. The issue is whether the Department correctly applied the regulations to petitioner's situation.

FINDINGS OF FACT

1. The petitioner is a disabled individual. Her income consists of \$744.00 per month from the Social Security Administration and \$430.00 per month from a pension. Her gross monthly income is \$1,174.00.

2. The petitioner rents an apartment and is responsible for the utilities including heat. Petitioner's landlord did not disclose to her that the apartment had been condemned when she entered into her lease.

3. Petitioner applied for seasonal fuel assistance. Based on her income, the Department sent petitioner a Notice of Decision dated November 16, 2011 that \$150.00 was sent to the utility providing heat.

4. Petitioner requested a fair hearing on or about December 10, 2011. A fair hearing was held on January 11, 2012.

5. The petitioner is seeking additional funds to ensure she has sufficient heat while she waits for admission to subsidized housing.¹

ORDER

The Department's decision 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 to simplify the application process, remove the resource limits, and change income eligibility to a gross income test. H.456, No. 88, § 3.

¹Petitioner was referred to the local community action program to inquire about the emergency fuel program or emergency assistance through the General Assistance program (including temporary housing).

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.

Petitioner's income falls under the income cap; the income cap for a household of one is \$1,680.00 per month.

Based on petitioner's income, the Department accurately determined the amount to be paid to the provider for her heat. There is no basis in the regulations that allow for an exception.

Because the Department accurately determined the amount of petitioner's seasonal fuel assistance, the Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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