

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-02/11-92
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division, terminating Reach Up Financial Assistance (RUFA) benefits.

The petitioner received a Notice of Decision dated February 8, 2011 informing petitioner that his RUFA benefits would end on February 28, 2011 because his household was over-income for RUFA eligibility. In the same notice, petitioner's benefits for 3SquaresVT (food stamps) were increased from \$207.00 to \$331.00 per month starting March 1, 2011. The household remained eligible for Medicaid benefits.

The petitioner filed a request for fair hearing on or about February 16, 2011. The fair hearing scheduled for March 10, 2011 was continued at petitioner's request. A hearing was held on April 14, 2011.

The issue is whether the Department correctly determined petitioner's eligibility for RUFA. The decision is based on the evidence adduced at hearing.

FINDINGS OF FACT

1. The petitioner lives with his minor daughter. Under the applicable regulations, the petitioner is part of a two-person household.

2. The petitioner receives \$748.00 per month in Social Security Disability benefits (SSDI). His daughter receives \$112.00 per month in children's benefits from the Social Security Administration. The petitioner lives in subsidized housing and the Department counts a \$70.00 per month utility allowance towards his income.

3. At the beginning of February 2011, petitioner's case came up for periodic review. Prior to the review, the Department mistakenly considered petitioner's SSDI to be Supplemental Security Income disability benefits (SSI).

4. SSI is not counted as income by the RUFA program. As a result, petitioner received a RUFA grant in the amount of \$276.00 per month on behalf of his daughter.

5. When the Department realized their error, the Department recalculated petitioner's income and found that petitioner's income of \$930.00¹ per month was above the payment standard for a two-person RUFA household of \$560.48

¹The \$930.00 is comprised of \$748.00 SSDI, \$112.00 children's benefit, and \$70.00 utility allowance. Not counting the utility allowance, the household would still be over-income for RUFA.

per month. The Department issued their Notice of Decision on February 8, 2011 terminating RUFA assistance.

ORDER

The Department's decision to terminate RUFA assistance is affirmed.

REASONS

The Reach Up Financial Assistance program (RUFA) provides financial assistance to low income households with minor children. To be eligible, the household must meet the income and resource tests. A household is eligible only if their available monthly income is less than the payment standard for a household of the same size and if their resources are less than the resource limits. W.A.M. §§ 2270 and 2280.

The Department incorrectly identified petitioner's income as SSI disability income during past eligibility decisions. Under the regulations, a SSI recipient's income is not counted for RUFA eligibility and the person is not considered part of the RUFA household. W.A.M. §§ 2220 and 2276. As a result, the Department incorrectly paid petitioner a one-person RUFA grant on behalf of his daughter.

When the Department learned the correct source of petitioner's income, they corrected their error.

The Department must consider all sources of income whether unearned or earned unless the source of income is specifically excluded. W.A.M. § 2270. Monies from pension and benefit programs such as Social Security retirement or disability payments are considered unearned income. W.A.M. § 2271(A). In addition, a \$70.00 per month fuel or fuel/utility allowance through the Department for Housing and Urban Development for subsidized housing is considered unearned income. W.A.M. § 2271(F). SSI is specifically excluded as income. W.A.M. 2276(B).

The regulations state that if a household's income is greater than the payment standard for a household of that size, the household is ineligible for RUFA. W.A.M. § 2253. The Department correctly determined that petitioner has household income of \$930.00 per month. Petitioner's income is greater than the payment standard of \$560.48 per month for a household of two.

The petitioner is upset because the amount of cash assistance for his household is reduced, although, the reduction is partially offset by an increase in 3SquaresVT. Unfortunately, the payment standards are low and are pegged

to a percentage of a household's standard of need. W.A.M. § 2251 *et seq.*

Because the Department correctly determined petitioner's eligibility for RUFA, the Department's decision is affirmed.

3 V.S.A. § 3091(d), Fair Hearing No. 1000.4D.

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