

HUMAN SERVICES BOARD

In re) Fair Hearing No. A-01/13-36
)
 Appeal of)

Petitioner appeals the decision by the Department for Children and Families ("Department") reducing the amount of his 3SquaresVT from \$42 to \$34 per month, effective February 1, 2013.¹ The following facts are adduced from a hearing held March 11, 2013.

1. Petitioner is a household of one receiving 3SquaresVT benefits. He receives monthly Social Security income.

2. Effective February 1, 2013, the Department reduced petitioner's monthly 3SquaresVT from \$42 per month to \$34 per month. The reduction was based on a \$19 increase in petitioner's monthly Social Security income, due to an annual

1 Petitioner's appeal was based on "health care, fuel assistance, [and] 3SquaresVT." However, the reduction in 3SquaresVT is the only appealable action by the Department. The remaining issues do not relate to any appealable, or even discernible, action by the Department and are not appropriate for Board review, pursuant to the order involving petitioner in Fair Hearing No. A-08/08-383.

cost of living adjustment, which increased his countable income for the purposes of determining his 3SquaresVT benefits level.

3. Petitioner does not dispute the amount of his Social Security income used in the Department's determination. Nor does petitioner, at base, dispute the calculation of his new benefits level based on his higher Social Security income.

4. However, petitioner argues that the cost of living adjustment he received with his Social Security income is, in effect, reduced by the Department's corresponding reduction in his 3SquaresVT benefits, and that this is an unfair result.²

ORDER

The Department's decision is affirmed.

REASONS

3SquaresVT provides financial assistance to eligible households to purchase food and meet nutritional needs.

² Petitioner also raises questions about the use of an erroneous social security number for him several years ago, and since corrected, by a medical provider. This issue has been raised numerous times in the past by petitioner, has been fully addressed by the Board and Vermont Supreme Court, and presents no current or live issue, so will not be addressed in this decision.

W.A.M. § 271.1. Vermont generally makes eligibility determinations based on monthly income. See W.A.M. § 273.9.

Once a household is found eligible for benefits, the amount is determined by the household's countable income. W.A.M. § 273.10(e). There is no dispute that petitioner's countable income increased due to the increase in his Social Security income. Furthermore, there is no dispute regarding the calculation of petitioner's benefits level based on the existing procedures. Generally, as countable household income increases, benefits will decrease. See W.A.M. § 273.10(e) (2) and Procedure Bulletin P-2590 (D) (3SquaresVT Allotment tables).

Petitioner's 3SquaresVT benefits and Social Security income are both federally-based programs. Petitioner objects that these programs, in effect, work in tandem to have the increased benefit of one program partially offset by a reduction in the other program. However, the fact that this offset occurs is merely a manifestation of the Department's decision, which is wholly consistent with the applicable regulations. As such, the decision must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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