

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-04/13-272
)
Appeal of)

INTRODUCTION

Petitioner appeals a reduction in his 3SquaresVT benefits as determined by the Vermont Department for Children and Families ("Department"). The following facts are adduced from testimony and documents submitted during hearings held on June 20 and July 11, 2013.

FINDINGS OF FACT

1. Petitioner is homeless with his sole source of income comprised of Social Security Income (SSI) of \$762 per month.
2. Petitioner's 3SquaresVT benefits were reduced from the maximum of \$200 per month to \$146 per month, as of April 1, 2013.
3. The basis for the change in petitioner's benefits was a reduction in his allowable shelter expenses, due to the fact that his costs of housing were paid for through the

Department's General Assistance (GA) program at the time - March of 2013.¹

4. The calculation of petitioner's benefits based on the information in the Department's possession is not in dispute. Petitioner, however, represents that he incurred shelter expenses in March and subsequent months. The Department seeks specific information about these expenses and potential verification of the expenses.

5. At hearing, petitioner stated that he had incurred expenses staying with people with whom he had an informal payment arrangement. He was unwilling to provide specific information about where and with whom he had stayed and the amount of his costs.

6. Petitioner produced a receipt from a recent motel stay, not during the time at issue (which is March of 2013), that the Department represented it would accept as verification of those costs.

¹ This matter has taken a somewhat circuitous route to its present status. Petitioner was party to an earlier appeal which was resolved and withdrawn by his legal representative. Petitioner thereafter contacted the Board indicating he did not wish to withdraw his appeal. He subsequently did not appear at a hearing scheduled in response to his request. Petitioner then contacted the Board indicating he had not received the hearing notice, and the matter was reset for hearing on June 20, by which time the issues in his prior appeal (which was resolved in his favor) had been superseded by the more recent reduction in his benefits.

7. Petitioner's appeal largely rests on his position that he should not need to verify the costs of his housing and that the low amount of his SSI income is, by itself, sufficient indication of his need for the maximum possible 3SquaresVT benefit.²

ORDER

The Department's decision is affirmed.

REASONS

The 3SquaresVT (Food Stamps) program provides financial assistance to eligible individuals and families for the purchase of food. See W.A.M. § 273. The benefit level is based on countable income minus any applicable costs, including a deduction for shelter and utility costs. See W.A.M. § 273.9(d)(5).

Information provided by 3SquaresVT households is subject to verification. See, generally, W.A.M. § 273.2(f). The regulations specifically contemplate verification of housing costs for those who are homeless. W.A.M. § 273.2(f).

Vermont has opted for a rule that:

² Along these lines, it appears that petitioner did not wish to submit the motel receipt mentioned above as part of the verification process. Near the close of the July 11 hearing, petitioner left the hearing prematurely and did not return, in the process relinquishing his 3SquaresVT benefit card in an apparent symbolic gesture. However, during the time he participated in the hearing he did not dispute that the Department paid motel costs for him during March through the GA program.

Homeless households with shelter expenses will provide verification of their actual shelter costs, if questionable. The department does not use a standard estimate of homeless shelter expenses, made optional by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

W.A.M. § 273.2(f)(xi).

Petitioner has refused to provide any information about his housing costs during the time period in question, or, for that matter, subsequent months up to the time of hearing.³ The Department has not been given information to verify in the first instance. The evidence otherwise demonstrates that the Department's decision reducing petitioner's 3SquaresVT benefits as of April 1, 2013, was correct.

The Department's decision is consistent with the applicable regulations. Therefore, the Board is required to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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³ As noted above, at the time of hearing petitioner did not appear willing to provide to the Department the one motel receipt he produced from a subsequent month.