

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-02/14-92
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division reducing her 3SquaresVt benefits (Food Stamps) and terminating her receipt of those benefits through a "cash out" deposit into her bank account. The following facts are not in dispute, and are based on the representations of the parties at a hearing held on March 12, 2014.

FINDINGS OF FACT

1. The petitioner is a single person and is disabled. Prior to November 2013, the petitioner's income consisted of a combination of Social Security Disability benefits (SSDI) and SSI. Because she received SSI, the petitioner received her monthly Food Stamp benefits in the form of a "cash out", whereby the Social Security Administration added the amount of her Food Stamps to her SSI, and deposited the combined benefits in a bank account that the petitioner could access

with an EBT card. Such accounts have no limitations on how recipients can use that money.

2. In November 2013 the petitioner became eligible to receive additional Social Security benefits on the account of her husband. Because this additional benefit exceeded the amount of her SSI, she became ineligible to continue to receive SSI.

3. In a decision dated November 25, 2013 the Department notified the petitioner that based on the reported increase in her income from \$782 to \$939 a month, the amount of her Food Stamps would be reduced from \$189 to \$130 a month. In addition, the Department notified the petitioner that due to the loss of her SSI, she no longer could receive her Food Stamps as a cash out. Instead, like all other recipients of Food Stamps who do not receive SSI (see *infra*), the petitioner would begin receiving her Food Stamps through an EBT card that can be used only for the purchase of food and related grocery items.

4. On December 20, 2013 the Department notified the petitioner that due to a reported increase in her rent, her Food Stamps would increase from \$130 to \$133 a month. On January 12, 2014, the Department notified her that due to

recent COLA increases in her Social Security benefits, her Food Stamps would be reduced from \$133 to \$127 a month.

5. On February 4, 2014 the petitioner notified the Department that she wished to appeal the reduction in her benefits and the fact that she was no longer receiving those benefits as a cash out. At the hearing in this matter the petitioner did not dispute any of the above information regarding the amount and sources of her income and expenses.

ORDER

The Department's decisions are affirmed.

REASONS

As a general matter, Vermont does not provide any Food Stamp benefits payable through the 3SquaresVT program as a "cash out". Food Stamp Regulation 273.20. The only exception to this is for "recipients" of "SSI". Reg. 273.2, p10. Inasmuch as there is no dispute that the petitioner in this matter ceased receiving SSI benefits in November 2013, the regulations are clear that she does not qualify as a "cash out" household.

There is also no dispute in the matter that the Department has correctly determined the amount of the petitioner's Food Stamps in accord with the regulations based

on her reported income and household expenses. Reg. 273.9, Procedures Manual P-2590D. Unfortunately for the petitioner, the recent increase in her income was partially offset by a decrease in her Food Stamps. Nonetheless, the Board is bound to affirm the Department's decisions. 3 V.S.A. 3091(d), Fair Hearing Rule 1000.4D.

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