

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. A-02/15-136
)
Appeal of)

INTRODUCTION

Petitioners appeal the decision by the Department for Children and Families ("Department") reducing their 3SquaresVT benefit from \$251 to \$244 per month. The following facts are adduced from a hearing commenced March 13, 2015 and continued to April 10, 2015.¹

FINDINGS OF FACT

1. Petitioners are married and current recipients of 3SquaresVT. Both receive monthly Social Security income based on disability.

2. Effective February 1, 2015, the Department recalculated petitioners' 3SquaresVT benefit due to a cost of living adjustment in their monthly Social Security income.

3. There is no dispute regarding petitioners' income and amount of various deductions for the purpose of determining their 3SquaresVT benefit. Petitioners' monthly

¹ The hearing was continued for the Department to recalculate petitioners' benefit amount based on new information they provided at hearing regarding their housing costs.

income went from \$1,336 to \$1,359; their medical deduction remained at \$138; their monthly subsidized rent payment went from \$407 to \$420.

4. Based on the new calculation, petitioners' monthly 3SquaresVT benefit went from \$251 to \$244.

5. Petitioners object to this reduction as - coupled with the rent increase - it essentially negates the cost of living adjustment they received.

ORDER

The Department's decision is affirmed.

REASONS

Review of the Department's determination is de novo. The Department has the burden of establishing, by a preponderance of evidence, the correctness of its determination under the applicable rules. As discussed above, the relevant facts are not in dispute, leaving only the question of whether the rules were correctly applied.

3SquaresVT provides financial assistance to eligible households to purchase food and meet nutritional needs. See 3SquaresVT Rules § 271.1. Vermont generally makes eligibility determinations based on monthly income. See 3SquaresVT Rules § 273.9. Once a household is found eligible

for benefits, the benefit amount is determined by the household's countable income after applicable deductions. See 3SquaresVT Rules § 273.10(e). As countable household income increases, the benefit amount decreases on a graduated scale. See 3SquaresVT Rules § 273.10(e)(2) and Procedures Bulletin P-2590 (D) (3SquaresVT Allotment tables).

Petitioners' income and applicable deductions correctly result in a benefit amount of \$244 under the rules.²

Petitioners' 3SquaresVT benefits and Social Security income are both federally-based programs. Petitioners object that these programs, in effect, work in tandem to have the increased benefit of one program offset by a reduction in the other program, particularly considering the increased cost of their subsidized housing. While in this respect petitioners raise a substantive policy issue, the 3SquaresVT rules under which the Department operates allow for such a result and were correctly followed here, supported by the undisputed evidence in the record. Therefore, the Department's decision

² The following deductions are taken from petitioners' monthly income of \$1,359 - a standard deduction of \$155, a medical deduction of \$138, and a shelter-utility deduction of \$692 - resulting in a 3SquaresVT income of \$374. This was correctly determined to result in a 3SquaresVT benefit of \$244. See 3SquaresVT Procedures Bulletin P-2590 (eff. 10-1-2014). While petitioners do not dispute the above amounts, they noted at hearing that they do not consistently keep track of all their medical expenses. They were and are encouraged to do so, in order to ensure they receive the maximum benefit to which they are entitled.

must be affirmed. See 3 V.S.A. § 3091(d), Fair Hearing Rule
No. 1000.4D.

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