

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-01/15-67
)
Appeal of)

INTRODUCTION

Petitioner appeals the determination of the Vermont Department for Children and Families ("Department") that he is not eligible for fuel assistance based on household income. The following facts are adduced from a hearing held February 12, 2015.

FINDINGS OF FACT

1. Petitioner lives in a home with his parents. His parents own the home and have two mortgages on the home.

2. Petitioner does not pay a specific monthly amount as rent. He has agreed to pay for the cost of fuel to run the home's oil furnace as well as all property taxes on the home. His parents pay the mortgages, electric bill and any other expenses common to the home.¹ They share the kitchen but generally purchase food separately.

¹ Petitioner was not certain of what other expenses might be covered by his parents. His sister serves as their power of attorney and handles their finances.

3. The home has a single heating system that petitioner and his parents share, although they each have separate thermostats in their respective living areas within the home.

4. Petitioner applied for fuel assistance and was denied because his household income - taking into account both his and his parents' income - is over program limits.²

ORDER

The Department's decision is affirmed.

REASONS

The Department administers a seasonal fuel assistance program to assist eligible households in meeting their home heating costs. See Fuel Rules ("FR") § 2900 *et. seq.* Eligible households include those in a living unit paying heating costs directly to a fuel supplier, households maintaining separate living quarters within someone else's living unit, and households where rent includes the costs of heating. See *Id.*

There is no dispute that petitioner's household income, *if* including his parents' income, is well beyond the maximum

² Apparently petitioner was granted fuel assistance last year. The Department asserts this was in error.

to receive assistance under the fuel assistance program.³ The only dispute is whether petitioner should be treated as a separate household for the purposes of determining his eligibility. The fuel assistance rules contain a presumption that parents and adult children are considered part of the same "fuel household." See FR § 2912(C)(2). It is possible to rebut that presumption under various circumstances, none of which are present here. See FR §§ 2912(C)(2)(a)-(d).⁴

Apart from this presumption, which by itself is sufficient under the rules to support the Department's decision, petitioner and his parents function as a single household by sharing the overall costs of keeping and maintaining the home, see FR § 2911(D), whether or not this arrangement is equitable to petitioner. Treating petitioner as a separate household under these circumstances is not consistent with the rules.

Therefore, the Department's decision is consistent with the applicable regulations and the Board is required to

³ The total monthly income of the household is \$5,099 while the program maximum is \$3,053 per month for a household of three.

⁴ It should be noted that petitioner clearly does not satisfy the only remotely feasible exception to his circumstances - that of a "roomer/boarder" renting separate living quarters and paying reasonable room rent. See FR § 2912(C)(2)(a).

affirm. See 3 V.S.A. § 3091(d); Fair Hearing Rule No.
1000.4D.

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