

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. B-02/15-118  
 )  
Appeal of )

INTRODUCTION

Petitioner appeals a 3SquaresVT benefit determination by the Vermont Department for Children and Families ("Department"). Petitioner was found eligible for benefits but questions the amount awarded. The following facts are adduced from a hearing held February 19, 2015 and post-hearing information submitted by the Department.

FINDINGS OF FACT

1. Petitioner is homeless. She was faced with closure of her 3SquaresVT benefits as of January 31 on the grounds that she refused to provide information about a bank account she holds jointly with her daughter.

2. Petitioner maintains that she refused to provide this information because of concerns about her daughter's privacy and safety.

3. Petitioner ultimately provided a balance for the disputed account in February, after the closure of her benefits. Thus, upon reapplication for 3SquaresVT benefits

on February 6, petitioner was found eligible and received \$118 in assistance - a monthly amount of \$142 prorated for February beginning on the 6<sup>th</sup> day of the month.

4. Petitioner receives \$805.04 per month in unearned income, a combination of SSI and a state supplemental payment. The Department applied a standard deduction of \$155 and a shelter-utility deduction of \$479.98, to arrive at a 3SquaresVT income of \$170.06 and a monthly benefit amount of \$142.

5. While petitioner disputes the amount of benefits awarded for February, she did not specifically dispute her income and the above deductions nor did she present information which might lead to a dispute of these facts. During the pendency of the appeal, it was noted that petitioner filed her appeal prior to closure of her benefits but had not received continuing benefits; as a result, the Department agreed to provide retroactive benefits to petitioner for the period between February 1 and February 6.

ORDER

The Department's decision is affirmed.

REASONS

The Board's review of the Department's determination is de novo. The Department has the burden of establishing, by a preponderance of evidence, the appropriateness of its determination under the applicable rules.

3SquaresVT eligibility and benefit level is based on a calculation of income after subtraction of certain deductions. See Food Stamp ("FS") Rules § 273.9. An applicant's SSI is among the sources of unearned income counted towards total household income. See FS Rules § 273.9(b)(2). The Department applied a standard deduction of \$155 and shelter deduction of \$479.98, which deductions are not disputed. See 3SquaresVT Procedures P-2590(A)(1) and P-2590(A)(5).<sup>1</sup>

With no other applicable deductions, this leaves petitioner with countable 3SquaresVT income of \$170.06 per month. Monthly income of \$170.06 results in a monthly benefit of \$142, which is the amount awarded to petitioner. As such, the Board must affirm the Department's

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<sup>1</sup> It is noted that the maximum utility allowance of \$805 was used to calculate the shelter-utility deduction. This calculation was made correctly by subtracting half of petitioner's monthly income (after deduction of the standard deduction) from \$805.

determination. See 33 V.S.A. § 3091(d); Fair Hearing Rule  
No. 1000.4D.

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