

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 15,187
)
Appeal of)

INTRODUCTION

The petitioner appeals the amount of the Food Stamp benefits provided to her by the Department of Social Welfare based on her most current application.

FINDINGS OF FACT

1. The petitioner, who is a disabled woman, and her dependent child moved from New Hampshire to Vermont in August of 1997. At that time she was a Food Stamp recipient through a New Hampshire welfare agency. On August 26, 1997, she applied for Food Stamps through the Vermont Department of Social Welfare.

2. On August 27, 1997, DSW mailed the petitioner a notice that she would be eligible for Food Stamp benefits of \$38 per month beginning September 1, 1997, based on the information she gave the Department. That information included \$1,016 (\$663 for her and \$353 for her son) in Social Security income, and a \$600 per month housing obligation which covers her heat and rent. The petitioner was assigned a standardized utility allowance cost of \$119 per month. She has no child care costs or excess medical deductions which could be used to reduce her income.

3. The Department subsequently notified the

petitioner on September 11, that her Food Stamps would increase to \$43 because the Department was now using a higher utility standard amount. On October 6, 1997, the petitioner was notified that her Food Stamps would go up to \$102 because she had been found eligible for fuel assistance and would now receive a higher utility standard allowance. On October 28, 1997, the petitioner was notified that her Food Stamps would be reduced to \$82 in December because her income went up by \$44 when the state picked up Medicare costs which she had formerly been required to pay from her Social Security.

4. The petitioner appealed this decision because she believes she should be getting close to \$200 per month in Food Stamps to meet her needs. She does not dispute any of the above information about her income or expenses. She indicated that in addition to her rent she has monthly bills of about \$370, including electric which runs about \$30, phone of about \$40, car payments and insurance of about \$230 per month and gasoline costs of about \$75.

ORDER

The decision of the Department is affirmed.

REASONS

The petitioner's Social Security benefits must be considered and counted as unearned income when eligibility for Food Stamps is determined. F.S.M. § 273.9(b)(2)(ii). Because the petitioner is disabled, her household is required only to meet the net income, not the gross income, eligibility standard in the Food Stamp program. F.S.M. § 273.9(a). The maximum net income for a two person household is \$885 per month. P-2590C.

Net income is determined by allowing certain deductions from gross income pursuant to the regulations at F.S.M. § 273.9(d)(1-8). Deductions potentially applicable here can be summarized as follows:

- (1) A \$134 standardized deduction available to everyone.
- (2) A deduction for medical expenses (including medical and dental care, prescriptions, hospitalization and health insurance policies) in excess of \$35 per month.
- (3) A deduction for shelter expenses which are in excess of 50 percent of the household's income after (1) and (2) above are deducted. Shelter expenses include the cost of mortgage or rent payments (including lot rent), property taxes, insurance payments on the dwelling, heating and

cooking fuel, cooling, electricity, sewerage, garbage and trash collection, and basic telephone service.

See P-2590A

The petitioner was given the standard \$134 deduction in this case which brought her countable income to \$882 per month. The second deduction for excess medical expenses was not given to the petitioner because she presented no evidence that her outlay for medical expenses is in excess of \$35 per month or that she had child care expenses for her sixteen-year-old son. Her shelter expenses were considered and she did receive a credit for the amount of expenses she has that are in excess of fifty percent of her income which was calculated as follows:

The petitioner was deemed to have a \$719 per month shelter expense which figure was arrived at by adding her rent with heat obligation of \$600 per month to a standardized figure of \$119 per month which the Department has adopted in its procedures at P-2590 (A) (5). That \$719 amount was compared to half of her countable income of \$882 per month, or \$441, to see how much more than half of her income the petitioner was required to spend for her housing. In this case the difference between \$719 and \$441, or \$278 was calculated as the "excess" shelter cost which she could further deduct from her income for a total countable Food Stamp income of \$604 per month (\$882-\$278).

That amount entitled the petitioner to \$38 under the coupon allotment table for a two person household. P-2590 D.

A subsequent change in the Food Stamp regulations on October 1, 1997, increasing the size of the standard utility allowance to \$122.00, followed by the petitioner's subsequent eligibility for a larger utility allowance based on her receipt of fuel assistance (P-2510E(e)), and finally by her increase in income, caused different figures to be plugged into the formula set out in the above paragraph which resulted in the subsequent fluctuations in amount.¹ It cannot be said that the Department's calculations were wrong in any of those instances where a change in income or the amount of the shelter expense deemed to her was involved.

The petitioner indicated in her testimony that she has certain monthly expenses which she would like taken into consideration in determining the amount of her Food Stamp benefit. However, there is nothing in the regulations which require or allow the Department to deduct other ordinary household expenses from her income to increase the amount of her Food Stamp benefit. The amount of countable income and Food Stamp coupons which may be paid to a person with that income as calculated by the Department in this

¹ On October 1, 1997, the Food Stamp allotments for net income were also raised by a few dollars per category. P-2590D.

case is correct and must be upheld by the Board. 3 V.S.A. §
3091, Fair Hearing Rule 17.

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