

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 16,105
)
Appeal of)
)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare reducing her Food Stamps. The issue is whether the Department correctly calculated the petitioner's income and expenses.

FINDINGS OF FACT

1. The petitioner received a notice from the Department in August, 1999, reducing her Food Stamps to \$75 a month due to the fact that the petitioner had recently begun receiving unemployment compensation that exceeded a decrease in her ANFC. The decrease in Food Stamps was to become effective September 1, 1999. The petitioner promptly appealed this decision, and a hearing was scheduled for October 12, 1999.

2. However, before the above reduction went into effect, the Department notified the petitioner of increases in her Food Stamps to \$235 effective September 1 and \$282 effective October 1. These changes were due to several

factors, including her daughter returning to live with her, her becoming eligible for fuel assistance (thus increasing her allowable shelter expenses), and changes in the sources of her income, none of which the petitioner disputes.

3. On October 1, 1999, the petitioner received, in addition to the increased amount of her October Food Stamps, a retroactive payment of the increase in her September Food Stamps that she had not received in September.

4. At the hearing on October 12, the petitioner was understandably confused by the changes that had occurred, but she did not dispute the Department's information or calculations.

5. The petitioner's primary grievance at the hearing was a letter she had received from another Department in the Agency of Human Services, which the petitioner considers to be abusive and discriminatory. The petitioner was advised that if she wished to make a complaint against the individual who wrote the letter she should contact either the Secretary of the Agency of Human Services or the Vermont Civil Rights Commission.

ORDER

The Department's decision is affirmed.

REASONS

As noted above, the reduction of Food Stamps that the petitioner received notice of in August, 1999, never went into effect because of other changes in her household's circumstances that resulted in increases in her Food Stamps. As of the date of the hearing, the petitioner had no dispute with the information the Department had used to determine the amount of her Food Stamps. Although the timing of the payments was confusing, the petitioner also appeared to accept the Department's explanation of the amounts she actually received for September and October 1999. The Board has no basis to believe that the Department's calculations are not in accord with the regulations. See Food Stamp Manual §§ 273.1 and 273.10.

It appears that the petitioner came to her hearing on October 12, 1999, primarily because she was upset with a letter she had received in the meantime from another Department. As noted above, the petitioner was referred to the appropriate places if she wishes to pursue that complaint.

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