

STATE OF VERMONT

HUMAN SERVICES BOARD

In re   )       Fair Hearing No. 20,101  
  )  
Appeal of                                    )

INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services reducing her Food Stamps. The issue is whether the Department correctly determined the petitioner's benefits according to the pertinent regulations.

FINDINGS OF FACT

1. The petitioner lives with her fourteen-year-old daughter. Prior to January 2006 the petitioner received \$233 a month in Food Stamps based on her child support income and her housing costs. In November 2005 the petitioner reported that she had begun working at a school.

2. Following a review of her Food Stamp eligibility in December 2005 the Department determined that the petitioner's income for January 2006 would result in a reduction in her Food Stamps to \$12 per month effective January 1, 2006.

3. At hearings in this matter held on January 13 and May 18, 2006 the petitioner did not disagree with any of the

Department's determinations regarding her income and expenses. In January her income consisted of \$1,021.85 in earnings and \$600 in child support.

4. The crux of the petitioner's appeal in this matter is the fact that she has extraordinarily high housing costs. Her rent is \$1,000 a month, not including heat and utilities. The petitioner understandably feels that her housing costs have not been adequately considered in determining her eligibility for Food Stamps.

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp regulations include all gross wages from employment as countable earned income, and all child support as unearned income. Food Stamp Manual (F.S.M.) § 273.9(b). Deductions from income are limited to those specifically itemized in the regulations. Food Stamp Manual (F.S.M.) § 273.9(d). All households under five persons receive a "standard deduction" of \$134, and those with earned income can deduct 20 percent of that income.

Households are also normally entitled to a "shelter deduction" in the amount by which their total shelter costs

exceed one half of their net income. In the petitioner's case, the Department determined that in addition to her \$1,000 in rent, she was eligible for the "standard" fuel and utility allowance of \$473 a month, yielding a total of \$1,473 a month in shelter costs. See F.S.M. §§ 273.9(d)(5-6). However, for households that do not include an elderly or disabled person, the regulations provide that *the maximum amount of any shelter deduction is \$400 a month.* F.S.M. § 273.9(d)(5), Procedures Manual P-2590A.

Based on the above information, the Department determined that the petitioner's net income for January, after the 20 percent earned income deduction and the standard deduction (\$1,021.85 earnings, plus \$600 child support, minus \$204.37 20 percent earned income deduction, minus \$134 standard deduction) was \$1,283.48--half of which was \$641.74. Her shelter costs (\$1,473) exceeded half her net income by \$831.26. However, as noted above, under the regulations she could not receive more than the \$400 maximum excess shelter deduction. This resulted in countable Food Stamp income of \$883.48 (\$1,283.48 minus \$400). The amount of Food Stamps payable to two-person households with this income is \$12 a month. See P-2590D.

Inasmuch as the petitioner does not dispute that the Department's decision in this matter accurately reflected her income and expenses as of January 2006, and cannot show that the amount of her Food Stamps was not determined in accord with the applicable regulations, the Board is bound by law to affirm the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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