

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-03/12-173
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Economic Services Division, terminating Essential Person program benefits. The underlying issue is whether the Department correctly terminated Essential Person benefits because the essential person is now in receipt of Supplemental Security Income (SSI) disability benefits.

Petitioner was represented by his wife, EP, who has been petitioner's essential person for many years.

The decision is based upon the parties' representations and upon admission of the Department documents on April 12, 2012.

FINDINGS OF FACT

1. The petitioner lives with his wife EP. Petitioner is disabled and receives Social Security Disability in the amount of \$609.00 per month and SSI disability in the amount

of \$273.94 per month. Petitioner's essential person grant was \$451.00 per month.

2. EP has been petitioner's essential person for many years. EP was recently determined to be disabled and eligible for SSI disability starting March 2012. EP receives \$273.94 per month in SSI benefits.

3. DK is a program benefits specialist employed by the Department. On March 8, 2012, DK mailed petitioner a Notice of Decision informing him that effective April 1, 2012, he would no longer receive essential person payments because EP is disabled and in receipt of SSI benefits.

4. EP stated that they did not receive the Notice of Decision and found out about the decision when the essential person monies were not deposited in their bank account. EP called and requested a hearing on or about March 14, 2012 or six days after the date of mailing.

5. It appears that there may have been a mix up because March essential person benefits were not deposited. March essential person monies have since been deposited and are not an issue. Pending the decision in the fair hearing, petitioner is receiving continuing benefits and the April essential person benefits have been deposited in the petitioner's bank account.

6. DK is credible in describing how she personally mailed the Notice of Decision and the letter was not returned to the Department.

ORDER

The Department's decision is affirmed.

REASONS

Vermont initially adopted the Aid to the Aged, Blind and Disabled (AABD) program to supplement the amount of Supplemental Security Income (SSI) received by Vermonters who are aged, blind or disabled. 33 V.S.A. § 1301. The Legislature expanded the AABD program in 1977 to provide assistance to an aged, blind or disabled Vermonter for an essential person provided the essential person was needy. 33 V.S.A. § 1307, W.A.M. § 2780.

An essential person is defined at W.A.M. § 2781 as follows:

An individual may qualify as an Essential Person by meeting each of the five criteria below:

- A. S/he is living in the applicant/recipient's household.
- B. S/he is not eligible for SSI/AABD or for Reach Up in his/her own right.

(emphasis added)

Once EP became eligible for SSI based on her disability, she no longer met the criteria for an essential person under the regulations.¹

Although EP raised questions about the Notice, EP was aware of the change and filed for fair hearing within one week of the Notice of Decision. As a result, March benefits were then correctly credited to the petitioner and benefits have continued.

Based on the regulations, the Department correctly determined that petitioner is no longer eligible for essential person benefits. The Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

#

¹EP and petitioner should report to their landlord the change to their income status to see if their subsidized rent will change.