

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 16,051  
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Appeal of )  
 )

INTRODUCTION

The petitioner appeals the determination by the Department of Social Welfare that she is only eligible for \$15 a month in Food Stamps. The issue is whether the Department correctly calculated the petitioner's Food Stamps in light of a recent increase in the petitioner's rent.

FINDINGS OF FACT

1. The petitioner lives alone and has monthly income of \$554.91 from SSI.<sup>1</sup>

2. She lives in a subsidized apartment. Recently her rent increased from \$157 to \$238 a month. When she reported her rent increase to the Department it resulted in an increase in her Food Stamps from \$10 a month to \$15 a month.

3. Because the petitioner lives in subsidized housing she receives a standard utility allowance of \$29.35 a month.

4. The petitioner appealed because she believes that her Food Stamps should increase more than \$5

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<sup>1</sup>At the hearing the petitioner reported that she recently received a \$2 a month increase in her SSI; but it is doubtful that this will affect her Food Stamps.

to offset her rent increase of \$81.

ORDER

The Department's decision is affirmed.

REASONS

Under the Food Stamp Regulations the amount of a household's monthly allotment is determined according to household income minus any applicable deductions. FSM § 273.9 et seq. All single person households are entitled to a standard deduction of \$134. FSM § 273.9d(1) and Procedures Manual P-2590-A. The only other deduction applicable to the petitioner's situation is the household shelter deduction. This is determined by the amount by which the household's shelter costs (rent and utilities) exceed 50 percent of the household's income after all other deductions have been made. FSM § 273.9d(5).

In the petitioner's case, the standard deduction lowers her countable income to \$420.91 (\$554.91 minus \$134). The petitioner's previous rent of \$157 plus her monthly utility allowance of \$29.35 (\$186.35) did not exceed 50 percent of \$420.91 (\$220.46). Thus, she was not eligible for a shelter deduction. Her Food Stamps of \$10 a month (which is the minimum payable under the program) was based on a single person household with \$420.91 net income.

Procedures P-2590 C.

Although the petitioner's rent recently increased by \$81 to \$238 a month, this amount, when added to the petitioner's utility allowance (\$29.35), yields a shelter deduction of only \$56.89 (i.e., her rent and utilities exceed 50 percent of her net income [\$210.46] by \$56.89). This lowered the petitioner's net Food Stamp income to \$364.02. Unfortunately, under the regulations this qualifies the petitioner for \$15 a month in Food Stamps, an increase of only \$5 from her previous amount. Procedures P-2590 C.

Inasmuch as the Department's decision is in accord with the pertinent regulations the Board is bound by law to affirm. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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