

**LAFOND V. HEIM, 1972-NMCA-100, 84 N.M. 119, 500 P.2d 204 (Ct. App. 1972)**

**MARLIN LAFOND, Appellant,**

**vs.**

**RICHARD W. HEIM, Executive Director, STATE OF NEW MEXICO  
HEALTH AND SOCIAL SERVICES DEPARTMENT, BEN C. HERNANDEZ,  
MRS. GARNETT BURKS, JR., DR. REX QUIGLEY, DR. HAROLD AGNES  
and MRS. FRANK G. CHAVEZ, individually and as members of  
the STATE OF NEW MEXICO BOARD OF HEALTH AND SOCIAL  
SERVICES, AND THEIR EMPLOYEES AND AGENTS, Appellees**

No. 850

COURT OF APPEALS OF NEW MEXICO

1972-NMCA-100, 84 N.M. 119, 500 P.2d 204

July 28, 1972

Administrative Appeal

**COUNSEL**

JOHN P. GASCOYNE, RICHARD W. HUGHES, RICHARD P. FAHEY, Shiprock, New Mexico, Attorneys for Appellant.

DAVID L. NORVELL, Attorney General, ROBERT J. LAUGHLIN, JAMES G. HUBER, Agency Assistant Attorneys General, Santa Fe, New Mexico, Attorneys for Appellees.

**JUDGES**

SUTIN, Judge, wrote the opinion.

WE CONCUR:

William R. Hendley, J., Ray C. Cowan, J.

**AUTHOR:** SUTIN

**OPINION**

SUTIN, Judge:

{1} The LaFond application for welfare assistance (Aid to Families with Dependent Children) was denied because his 1969 Chevrolet Station Wagon, valued at

approximately \$1,600, exceeded the limit of \$750 wholesale value for welfare assistance. H.S.S. Reg. 221.832.

{2} The Station Wagon was subject to a loan in excess of its value and LaFond had no equity available.

{3} This case is controlled by Trujillo v. Health and Social Services Department of the State of New Mexico, 84 N.M. 58, 499 P.2d 376 (Ct. App.), decided June 30, 1972.

{4} The order of the Department is reversed, and the cause is remanded for further proceedings consistent with this opinion.

WE CONCUR:

William R. Hendley, J., Ray C. Cowan, J.