

STATE OF VERMONT  
HUMAN SERVICES BOARD

In re ) Fair Hearing No. 9538  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare (DSW) terminating her Medicaid benefits. The issue is whether the petitioner has resources in excess of the maximum established by the regulations.

FINDINGS OF FACT

The facts are not in dispute. The petitioner lives with two of her children. She recently received a 1987 Colt Vista automobile as a gift. The minimum N.A.D.A. Blue Book value of the car in December, 1989, was \$4875. The petitioner admits that this is close to, if not in excess of, the actual value of the car.<sup>1</sup>

In addition to the car, the department is in the process of evaluating some bank accounts and investments held by the petitioner. If these are determined to be "available" to the petitioner, they will be added to the petitioner's total resources. The status of these accounts has not been determined and they are not at issue in this hearing.

ORDER

The department's decision is affirmed.

REASONS

Under the Medicaid regulations, families are entitled to "exclude" from the computation of their total resources the "equity value up to \$1,500 for one vehicle". Medicaid Manual (MM) § M342.2. The "resource maximum" for a family of three is \$3,150. Subtracting the \$1,500 equity exclusion from the value of the petitioner's car (\$4,875) leaves a total of \$3,375, which exceeds the resources maximum by \$275.

The board is bound by law to affirm decisions by the department that are in accord with the pertinent law and regulations. 3 V.S.A. § 3091(d) and Fair Hearing Rules No. 19. The petitioner did not dispute either the facts or the law relied upon by the department in its decision. Although her means may still be considered extremely limited, the department's decision must, nonetheless, be affirmed.<sup>2</sup>

FOOTNOTES

<sup>1</sup>The hearing officer offered the petitioner the opportunity to attempt to obtain evidence rebutting the department's assessment of the car's value. The petitioner declined this offer.

<sup>2</sup>The department's "Blue Books" show that the value of the petitioner's model of car declines considerably every month. Depending on her other assets, the passage of time might, thus, lower the petitioner's resources to within the department's maximum. The petitioner is advised to reapply for Medicaid, on a monthly basis if need be, if her total resources remain close to the department's maximum.