

one year--the "transition" period from public assistance to employment. For the first six months of the program a former recipient need only have a dependent child living with her to remain eligible for Medicaid. For the next six months eligibility is means tested, based on "quarterly reports" of earnings and household circumstances filed by the former recipient.

Unfortunately, the petitioner misunderstood the eligibility provisions and thought that coverage would continue for one year regardless of her income. In March, 1991, the Department notified her that because of her income, her Medicaid coverage was being terminated.

The Department, pointing out that the petitioner was one of the first individuals granted under the program, concedes that it may not have fully explained the eligibility requirements to the petitioner when she first became eligible. The petitioner did not attempt to obtain alternative medical insurance, and as of the date of the hearing (April 9, 1991) she hadn't any. There is no evidence, however, that the petitioner could not now obtain such coverage. Also, because the petitioner requested a timely fair hearing, her Medicaid will continue at least until May, 1991 (the earliest the board can act in this recommendation) regardless of the outcome of her appeal. The petitioner admitted that she thought she was entitled to coverage until June, 1991, one year from the time she began working (as opposed to the actual maximum-coverage closure

date--September, 1991--a year from when her ANFC grant was actually closed).

ORDER

The Department's decision is affirmed.

REASONS

The petitioner does not dispute that the Department's decision was based on the regulations. See Medicaid Manual § M 300D2. Nor has she shown the requisite elements of equitable estoppel that would require the Department to grant her benefits despite her ineligibility under the regulations.

It is unfortunate that the Department did not explain the program to the petitioner better than it did. However, considering the newness of the program, any lapse by the Department cannot be considered culpable.¹ Also, it does not appear that the petitioner suffered any financial harm as a result.

Inasmuch as the Department's decision is in accord with the regulations, the board is bound, by law, to affirm. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

FOOTNOTES

¹The Department indicated that it would review its computer-generated notices and attempt to use language that better explains the eligibility criteria of this program. The caseworker in this case appeared to be conscientious and competent. Undoubtedly, as workers become more familiar with the program, their oral explanations to recipients will improve.

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