

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 10,987
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision of the Department of Social Welfare terminating her Medicaid eligibility.

FINDINGS OF FACT

1. The petitioner and her husband and two children are refugees from the Soviet Union who arrived in the United States and began receiving Medicaid benefits in August of 1991. At that time neither adult in the family was working and their sole source of income was a \$550.00 per month grant from the Jewish Community Council. That income stopped in November of 1991.

2. On December 2, 1991, the petitioner found a temporary two month assignment as a computer programmer which paid \$1,666.66 per month and included health insurance benefits. After two months the job was to be reviewed for possible continuation. At the time of the hearing although two months had passed, no review had been held and no decision made to continue the job but the petitioner continued to work.

3. On December 30, 1991, at a routine review, the Department determined that the petitioner's income was in excess of the \$1,452.00 per month standard for a four person

household even after \$90.00 was deducted for employment expenses. It was determined that the petitioner had \$568.66 per month available for medical expenses which was multiplied by the six month period between February 1 and August 1, 1992 to obtain a spend down amount of \$3,411.96. The petitioner was notified of this fact in writing on January 1, 1992 to take effect on February 1, 1992. The petitioner timely appealed the denial and her benefits were reinstated pending a decision by the Board.

4. The petitioner, who appeared at the hearing through her husband, asked that her Medicaid not be terminated because of the temporariness of her job situation. She does not argue that her income has been wrongly calculated for the months at issue or that the wrong standard has been applied to her family.

ORDER

The Department's decision is affirmed.

REASONS

Medicaid regulations specifically require that all wages be counted as income to determine eligibility. M ə 352. In order to determine eligibility, the program uses six month accounting periods during which actual verified income is projected for a six month period to determine eligibility. M ə 352.1. The regulations provide that ". . . if change can be anticipated in future months, make a

reasonable estimate of projected income based on past income and the currently known facts about the future changes in the applicant's circumstance". M. § 352.1.

If the worker had reason to believe that the petitioner's job would definitely end or be reduced as to amount of income in February 1992, the petitioner's income could have been averaged to obtain a true picture of her future income. However, at this point it was not unreasonable for the worker to assume that the petitioner's income would continue since there is a clear potential for that occurring. The worker therefore, correctly projected the petitioner's future income and correctly calculated her eligibility and spend down based on those amounts.

The petitioner should be aware that her eligibility is an entirely fluid situation which can be reassessed at any time. Should the petitioner's job actually end, she can immediately reapply and have her financial eligibility redetermined.

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