

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 11,848
)
Appeal of)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying his application for Medicaid. The issue is whether the petitioner is disabled within the meaning of the pertinent regulations.

FINDINGS OF FACT

The petitioner is a sixty-one-year-old man with an eighth-grade education. He has worked for most of his life as an auto body repairman. He has not worked for about a year for reasons unrelated to his health.

In December, 1992, the petitioner underwent the surgical removal of cancerous lesions on his face. Otherwise, he is in good health. Although it appears that he will need further surgery or other treatment for his skin cancer, the medical evidence does not indicate and the petitioner does not allege that his condition has imposed or will impose any long-lasting impediment to his performing his former work.

Unfortunately, the petitioner has not been able to find work in his field for several months, and he has unpaid medical bills from his surgery. At his hearing (held on April 13, 1993) the petitioner was advised to apply for general

assistance (GA) if he needs more medical treatment in the future, but that if his health worsens to the point that he cannot perform his past work he should reapply for Medicaid. He was also advised that he can file another appeal if his application for GA or any other benefits are denied.

ORDER

The Department's decision is affirmed.

REASONS

Medicaid Manual Section M 211.2 defines disability as follows:

Disability is the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, or combination of impairments, which can be expected to result in death or has lasted or can be expected to last for a continuous period of not fewer than twelve (12) months. To meet this definition, the applicant must have a severe impairment, which makes him/her unable to do his/her previous work or any other substantial gainful activity which exists in the national economy. To determine whether the client is able to do any other work, the client's residual functional capacity, age, education, and work experience is considered.

In this case the medical evidence, by the petitioner's own admission, does not establish that the petitioner during any consecutive twelve-month period has been unable to perform his past work as an auto body repairman. The petitioner can apply for GA if he needs more medical treatment. However, the Department's decision denying him Medicaid must be affirmed.

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