

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 12,421

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Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare finding her ineligible for medicaid until she incurs medical bills in the "applied income" amount of \$1053.00 in the next six months. The issue is whether the Department correctly counted the petitioner's unemployment benefits in determining her income eligibility for medicaid.

FINDINGS OF FACT

The facts are not in dispute. The petitioner lives with her three-year-old son. She recently began receiving unemployment compensation benefits of \$273.00 a week. The Department determined that this placed the petitioner over income by \$175.50 per month. In multiplying this amount by the six month period of medicaid eligibility, the Department determined that the petitioner had an "applied income" (which acts like a deductible) under the regulations of \$1053.00.

The petitioner does not dispute the Department's calculations. Her dispute is based on information she says her caseworker gave her that she could remain eligible for

medicaid for six months without her unemployment compensation being counted.

ORDER

The Department's decision is affirmed.

REASONS

Under the regulations, unemployment compensation constitutes "unearned income" which must be

counted in determining a family's financial eligibility for medicaid. Medicaid Manual (M.M.) § M336 and W.A.M. § 2252. There is a provision in the medicaid regulations under which a family can remain eligible for benefits for a period of six months after an increase in earned income that otherwise would have made them ineligible. M.M. § M300(D). However, no such allowance attaches to an increase in unearned income.

It is unfortunate that the petitioner either was misinformed about or misunderstood the above provision. Although she maintains that she would not have bothered to pursue unemployment benefits (which appears to have involved an appeal on the petitioner's part) had she known they would count against her in determining her eligibility for medicaid, it does not appear that the petitioner is actually worse off financially for having obtained unemployment benefits.

At any rate, the Department's decision in this matter is clearly in accord with the regulations and must, therefore, be affirmed. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

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