

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 13,006

)

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 twenty-five-year-old man with a high school education who is now attending college. He has worked as a carpenter and as a cook.

The petitioner injured his knee in a skiing accident in May, 1994. His recovery has been satisfactory. The petitioner does not allege, nor does the medical evidence at all indicate, that the petitioner was unable to perform light or sedentary work within even a few weeks of his accident. As of the date of the hearing November 8, 1994, the petitioner admitted he was attending college and engaging in strenuous recreational activities.

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.

Although the petitioner has unpaid medical bills resulting from his accident, the evidence is clear that he does not meet the above definition of eligibility. Even though a return to his past work as a carpenter or cook may be problematic at this time, there is no question that the petitioner could perform light or sedentary work. Considering his age, education, and work experience, the regulations dictate that he be found not disabled. 20 C.F.R. § 404, Subpart P., Appendix II, Rules 201.27 and 202.20.

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