

STATE OF VERMONT  
HUMAN SERVICES BOARD

In re ) Fair Hearing No. 16,536  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition and Health Access (formerly the Department of Social Welfare) denying his application for the VHAP program. The issue is whether the petitioner's income exceeds the maximum for that program.

FINDINGS OF FACT

1. The petitioner has no minor dependents. He applied for VHAP on June 8, 2000. At that time his income was \$1,083.60 a month in unemployment compensation.

2. On June 9, 2000 the Department notified the petitioner that his application for VHAP Pharmacy was denied because his income exceeded the program maximum of \$1,044 a month.

3. At the hearing the petitioner was advised to reapply for VHAP if either his income or his marital status changed.

ORDER

The decision of the Department is affirmed.

REASONS

VHAP (Vermont Health Access Program) requires that all unearned income be counted in determining eligibility. See W.A.M. § 4001.81. No deductions are allowable from gross unearned income.

The calculation performed by the Department in the petitioner's case, which found countable income of \$1,083.60, is not in dispute. Unfortunately, the VHAP regulations cut off eligibility for a one-person assistance group at \$1,044 per month. See Procedures Manual §§ 2420 B (6). As such, the petitioner was correctly determined to be ineligible for the program, and the Department's decision must be upheld. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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