

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,085
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department of PATH denying her application for VHAP benefits due to excess income.

FINDINGS OF FACT

1. The petitioner lives with her infant daughter and the child's father. The father works full-time and his gross income of \$2,650 per month is the family's only income.

2. When the Department calculated the petitioner's eligibility for VHAP benefits the family's earned income was subjected to a \$90.00 per month disregard for a countable total of \$2,560. The petitioner was notified that her application was denied because her income was in excess of the maximum of \$2,256 for a household of three.¹

3. The petitioner does not dispute any of the figures used by the Department. She feels that she and the child's

¹ The petitioner's child was found eligible for Dr. Dynasaur medical benefits. The petitioner and the child's father were found eligible for VHAP-Pharmacy benefits, which has a higher income-eligibility threshold.

father cannot afford to obtain medical treatment on their limited income.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations, all earned income from wages is included as countable income for eligibility. W.A.M. § 4001.81(c). The only deduction for which the petitioner is eligible is a standard employment expenses deduction of \$90.00 per month. W.A.M. 4001.81(e). There are no deductions for medical expenses in the VHAP program.

The Department is correct that the petitioner now has countable income of \$2560 per month. The maximum for eligibility under the program for a three-person household is \$2256 per month. P-2420 B (6). If the petitioner has income above that figure, she cannot be found eligible for VHAP. W.A.M. 4001.83 and 4001.84. As the Department's decision is in accord with its regulation, the Board is bound by law to affirm it. 3 V.S.A. 3091(d), Fair Hearing Rule 17.

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