

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,217
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by PATH terminating her Vermont Health Access Plan (VHAP) benefits based on excess income.

FINDINGS OF FACT

1. The petitioner and her husband were found eligible for VHAP benefits some time ago during a period when their income was relatively low. In late June 2001, the petitioner started a new job which caused their family income to increase to about \$4,013.30 per month. They have no dependent minor children.

2. The petitioner was advised sometime shortly before July 20 that her family's VHAP would cease on August 1, 2001 due to their increase in income which put them almost \$2,600 per month over the maximum income for a two-person household.

3. The petitioner appealed that decision because her health insurance from her new employment would not become

effective for sixty days or sometime around September 1, 2001. She received continuing benefits pending the appeal.

ORDER

The decision of the Department is affirmed.

REASONS

The petitioner does not dispute that she has income that is in excess of program maximums. There is no provision in the regulations which allows for a grace period or extended benefits when a household's income goes over program maximums. The regulations provide that only persons who are members of "a VHAP group with countable income under the applicable income test" can be eligible for benefits. W.A.M. 4001 and 4001.8. The maximum income for a two-person family in the VHAP program is \$1452 per month. P-2420 (B). Given that the petitioner's income is considerably in excess of this amount, PATH was correct to notify the petitioner that her VHAP benefits would be terminated at the end of July 2001. The petitioner's appeal has, in effect, given her the two-month extension she was seeking by delaying the termination action.

#