

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,282
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department of PATH terminating her and her husband's VHAP benefits. The issue is whether the family's income is in excess of the program maximum.

FINDINGS OF FACT

1. The petitioner lives with her husband and their two children. The children receive health coverage through the Dr. Dynasaur program. After a period of unemployment the petitioner started a new job on August 7, 2001.

2. In August 2001 the Department recalculated the petitioner's and her husband's eligibility for VHAP based on their earnings from employment. The petitioner does not dispute that her and her husband's combined gross income is at least \$3,123.12 a month. Their earned income was subjected to a \$90.00 per month disregard each for a countable total of \$2,943.12. The petitioner was sent a notice dated August 23, 2001 that her and her husband's VHAP benefits would end at the

end of September because their income was in excess of the maximum of \$2,722 for a household of four.

3. The petitioner does not dispute any of the figures used by the Department. Fortunately, she became eligible for health insurance through her employer as of late September. Her VHAP has continued pending this appeal.

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(b) and (c). The only deduction for which the petitioner and her husband are 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 \$3,123.12 per month. The maximum for eligibility under the program for a four-person household is \$2,722 per month. P-2420 B (6). If the petitioner and her husband have income above that figure, they 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 to uphold the decision. 3 V.S.A. 3091(d), Fair Hearing Rule 17.

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