

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,592
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistance, Transition, and Health Access (PATH) denying her application for VHAP and VScript benefits. The issue is whether the petitioner's income exceeds the program maximum.

FINDINGS OF FACT

1. The petitioner does not dispute that she is a single person with income of \$1,500 a month from an annuity and \$201 in Social Security benefits. She received VScript benefits until January 16, 2002, when the Department discovered it had made an error in calculating her income and notified her that she was no longer eligible.

2. The petitioner does not dispute any of the figures used by the Department. She needs pharmacy coverage because she has a medical condition that requires her to take expensive medications (at least \$1,100 a month), which she cannot afford on her income.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations, all unearned income including annuities and Social Security benefits are included as countable income for eligibility. W.A.M. 4001.81(b) and (c). Unfortunately for individuals in the petitioner's position, there are no deductions for medical expenses in the VHAP program (although the Board has often noted the glaring unfairness of this feature).

The Department is correct that the petitioner now has countable income of \$1,701 per month. The maximum for eligibility under the VScript program for a single individual is \$1,617 per month. For the regular VHAP program, the income maximum is \$1,114 a month. P-2420 B (16). If the petitioner has income above these figures, she cannot be found eligible for that program. 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.

The petitioner was informed that if she is unable to pay for necessary prescriptions, she can apply for help through the General Assistance (GA) program and appeal if she is denied. It was also explained to the petitioner that if she can lower the monthly payments of her annuity, she should reapply for VHAP and VScript.

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