

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,747
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistance, Transition, and Health Access (PATH) terminating his VHAP benefits. The issue is whether the petitioner's income is in excess of the program maximum.

FINDINGS OF FACT

1. The petitioner lives alone. After a period of unemployment the petitioner started a new job on March 2, 2002.

2. The Department recalculated the petitioner's eligibility for VHAP based on his earnings from employment. The petitioner does not dispute that his gross income as of April was \$1,273 a month. (He is due for a raise which will further increase his monthly earnings.) His earned income was subjected to a \$90.00 per month disregard for a countable total of \$1,183. The petitioner was sent a notice dated April 2, 2002 that his VHAP benefits would end at the end of April

because his income was in excess of the maximum of \$1,114 for a household of one.

3. The petitioner does not dispute any of the figures used by the Department. Unfortunately, he feels he will have to forego orthopedic surgery that has been recommended for him by his doctors.

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 is eligible is a standard employment expenses deduction of \$90.00 per month. W.A.M. 4001.81(e). There are no deductions for present or anticipated medical expenses in the VHAP program.

The Department is correct that the petitioner now has countable income of \$1,183 per month. The maximum for eligibility under the program for a one-person household is \$1,114 per month. P-2420 B (6). If the petitioner has income above that figure, he 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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