

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,808
)
Appeal of)

INTRODUCTION

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

FINDINGS OF FACT

1. The petitioner does not dispute that presently she is a single person with income of about \$1,445 from Social Security benefits that she began receiving in April 2002. She has been receiving VHAP but based on her income the Department notified her that as of May 31, 2002 she would no longer be eligible.

2. The petitioner does not dispute any of the figures used by the Department. She needs medical coverage because she has a medical condition that requires costly prescription medication. At the hearing, held by phone on July 25, 2002,

the petitioner was advised to apply for VScript, a program that has a higher income-eligibility threshold.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations, all unearned income is included as countable income for eligibility. W.A.M. 4001.81(b). 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 what it considers to be the glaring unfairness of this feature).

There is no dispute that since April 2002 the petitioner has had countable income in excess of the maximum for eligibility under the VHAP program for a single individual of \$1,114 a month. P-2420 B (16). Once the petitioner has income above this amount, 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.

As noted above, the petitioner may well be eligible for other, more limited, VHAP programs such as VScript that could help pay for any prescription medication she must take. If she has not already done so she should immediately apply for these benefits.

#