

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,815
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistant, Transition, and Health Access (PATH) denying her son's application for Vermont Health Access Program (VHAP) benefits. The issue is whether the petitioner and her son must be considered members of the same household with the petitioner's income being considered for VHAP purposes.

FINDINGS OF FACT

1. The petitioner does not dispute that presently she has income totaling \$2,610 a month from her employment. The petitioner lives with her son who turned 18 on April 21, 2002. When he turned 18 the Department informed the petitioner that he was no longer age-eligible for medical coverage under the Dr. Dynasaur program. (The petitioner does not dispute this determination.)

2. The petitioner states that her son suffers from a mental illness that has left him unable to live independently

or to work. (At the hearing in this matter, held on July 19, 2002, the petitioner was advised to apply for SSI disability benefits in her son's behalf. It was also suggested she apply to the Department of Mental Health for mental health waiver benefits that are administered by that Department.)

3. The Department has denied the petitioner's application for VHAP for her son because it determined that the family's countable income was in excess of the VHAP maximum for a two-person household of \$1,499 a month.

4. The petitioner does not dispute any of the figures used by the Department. Her son needs medical coverage because his medical condition requires costly ongoing treatment.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations, all earned income is included as countable income for determining the eligibility of a VHAP household. W.A.M. 4001.81. For employees without child care expenses the only deduction allowed from wages is a \$90 standard deduction. Unfortunately for individuals in the

petitioner's position, there are no deductions for medical expenses in any VHAP program (although the Board has often noted what it considers to be the glaring unfairness of this feature).

The regulations require that a VHAP group must include all children under age 21 and parents living in the same home of an applicant. W.A.M. 4001.8. This provision does not apply to any member of the household who is a recipient of SSI. Id. (Individuals receiving SSI are automatically eligible for Medicaid.)

There is no dispute in this matter that the petitioner has countable income in excess of the maximum for eligibility under the VHAP program for a two-person household of \$1,499 a month. P-2420 B (16). 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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