

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,845
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistance, Transition, and Health Access (PATH) terminating his eligibility for VScript benefits. The issue is whether the petitioner's and his wife's incomes exceed the program maximum.

FINDINGS OF FACT

1. The petitioner does not dispute that presently he has income of \$811 a month from Social Security benefits. There is also no dispute that his wife has monthly income from employment of \$1,426 and that she receives an additional payment of \$421 in "working disabled" Social Security benefits. Following a June 6, 2002 review of his eligibility the Department informed the petitioner that he would no longer be eligible for VScript. Adding in the amounts the petitioner and his wife pay each month for Medicare premiums (about \$50) and subtracting the standard employment deduction of \$90 (see infra) the Department determined the family's countable income

to be \$2,622 a month. The VScript maximum for a two-person household is \$2,249 a month.

2. The petitioner does not dispute any of the figures used by the Department. He needs medical coverage because he has a medical condition that requires costly prescription medications.

3. The petitioner's wife receives Medicaid benefits under the working disabled program.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VScript regulations, all earned and unearned income is included as countable income for eligibility. W.A.M. 3201.61. For employees without child care expenses the only deduction allowed from wages is a \$90 standard deduction. Gross Social Security benefits before deductions for Medicare premiums are counted. 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 petitioner's wife qualifies for Medicaid under working disabled because that program allows generous deductions from earned income and has a higher eligibility maximum. See W.A.M. M200(16).

However, there is no dispute that since April 2002 the petitioner has had countable income in excess of the maximum for eligibility under the VScript program for a two-person household \$2,249 a month. P-2420 B (16). An individual with household income above this amount cannot be found eligible for that program. W.A.M. 3201.64. 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 of July 1, 2002 the Department has instituted the Healthy Vermonters Program, which provides discounts to purchase prescription medications at the same rate the state pays under the Medicaid program. It appears the petitioner may qualify for that program based on his income. If he has not done so already he should apply for that program.

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