

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 17,848  
 )  
Appeal of )

INTRODUCTION

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

FINDINGS OF FACT

1. The petitioner does not dispute that when she reapplied for VHAP on June 11, 2002 she and her husband had income totaling \$1,829 from their employment. On June 12, 2002 the Department informed the petitioner that based on this income she and her husband would no longer be eligible for VHAP as of June 30, 2002. The VHAP maximum for a two-person household is \$1,499 a month.

2. The petitioner does not dispute any of the figures used by the Department. They need medical coverage because both she and her husband require costly prescription medications.

3. At the hearing, held on August 12, 2002 the petitioner was advised to reapply for VHAP based on recent decreases in both her and her husband's incomes. If they still do not qualify for VHAP they may be eligible for the Healthy Vermonters Program, a program instituted July 1, 2002 that provides discounts to purchase prescription medications at the same rate the state pays under the Medicaid program.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations, all earned income is included as countable income for eligibility. W.A.M. 4201.81 (c). 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).

There is no dispute in this matter that in June 2002 the petitioner and her husband had countable income in excess of the maximum for eligibility under the VHAP program for a two-

person household \$1,499 a month. P-2420 B (16). A family 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.

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