

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 17,856  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals a decision of the Department of 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 and his wife have income totaling \$2,739 from his Social Security benefits and his wife's employment. On May 30, 2002 the Department informed the petitioner that based on his income he would no longer be eligible for VScript as of June 30, 2002. Subtracting the standard employment deduction of \$90 (see infra) the Department determined the family's countable income to be \$2,649 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. As of July 1, 2002 the petitioner has been found eligible for the Healthy Vermonters Program, a newly instituted program 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 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. 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 since May 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.

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