



3. The petitioner was sent a notice dated June 28, 2002 that his and his wife's VHAP benefits would end at the end of June because the family's income was in excess of the maximum of \$2,654 for a household of five. The petitioner was also found ineligible for regular VScript, which has a maximum of \$3,097 a month. He was found eligible for an expanded version of the VScript program, which has an eligibility maximum of \$3,981. His children were found eligible for coverage under the Dr. Dynasaur program.

4. The petitioner does not dispute any of the figures used by the Department. Unfortunately, expanded VScript coverage includes a sizable deductible that will be difficult for him to afford because he has high pharmaceutical expenses largely due to a prosthesis for his leg.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations, all earned income from wages and unearned income from federal benefit programs are included as countable income for eligibility. W.A.M. 4001.81(b) and (c). The only deduction for which the petitioner is eligible

is a standard employment expense deduction for his wife of \$90.00 per month. W.A.M. 4001.81(e). Unfortunately there are no deductions for present or anticipated medical expenses in the VHAP program. There is also no provision in the regulations to disregard any Social Security income of children.

The Department is correct that the petitioner now has countable income of \$3,736 per month. The maximum for eligibility under the VHAP program for a five-person household is \$2,654 per month. P-2420 B. For regular VScript, it is \$3,097. Id. If the petitioner has income above those figures, he cannot be found eligible for those programs. W.A.M. 4001.83 and 3201.6. 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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