

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,876
)
Appeal of)

INTRODUCTION

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

FINDINGS OF FACT

1. The petitioner does not dispute that presently she is a single person with one child and income that averages about \$1,953 a month from employment and child support. Her child receives medical benefits through the Dr. Dynasaur program.

2. The petitioner applied for VHAP on May 31, 2002, but based on her income the Department notified her on June 7, 2002 that she was not eligible.

3. The petitioner does not dispute any of the figures used by the Department. She needs medical coverage because she recently had surgery that requires costly post-operative

care. At the hearing, held August 12, 2002, the petitioner was advised to reapply for VHAP if her income drops or if she incurs child care expenses in the future.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations, all earned and unearned income, including child support is included as countable income for eligibility. W.A.M. 4001.81(b) and (c). The only allowable deductions are a \$90 employment expense, which the Department has allowed, and certain child care expenses, which the petitioner thinks she may incur in the future.

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

There is no dispute that the petitioner presently 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). Once the petitioner has income above this amount, she cannot be found eligible for that program.

W.A.M. 4001.83 and 4001.84. 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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