

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,181
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department of Prevention, Assistance, Transition and Health Access (PATH) terminating the husband's VHAP benefits. The issue is whether the petitioner's daughter's income must be included in the household.

FINDINGS OF FACT

1. The petitioner lives in a household with his wife and nineteen-year-old daughter. The household's income consists of the husband's Social Security disability benefits of \$840 per month, the wife's Social Security disability benefits of \$1,072 per month plus worker's compensation benefits of \$580.50 per month, and the daughter's income from earnings of \$619.20 per month.

2. The husband has been receiving VHAP benefits for some time. Recently, he began receiving Social Security benefits.¹

¹ The wife was apparently not receiving VHAP because she is a Medicare recipient. She does receive Vscript at present and will continue to receive it at least through June of this year. PATH has said that the increased income will make her ineligible for Vscript at that time since

After the receipt of this income, PATH added up all the family's income to arrive at a \$3,111.70 total. From that amount PATH deducted \$90 from the earnings of the daughter. The remainder, \$3,021.70 was counted as income to the family. PATH determined that the family income made the petitioner's husband ineligible for VHAP benefits.

3. On October 30, 2002, PATH notified the petitioner that his VHAP benefits would end on November 30, 2002. He was also notified that he would be eligible for the "Healthy Vermonters" program which provides discounts on prescription drugs. The petitioner appealed this decision and continues to receive benefits.

4. The petitioner does not dispute the amounts of the family member's various incomes although he has recently refused to give any income figures to PATH from his daughter's earnings. He believes that PATH is wrong to count her income because she is an "emancipated minor." The petitioner provided PATH with copies of her emancipation papers from the probate court.

5. The petitioner also feels it is unfair to take him off of VHAP coverage because he has liver cancer and needs

certifications are done semiannually. The petitioner has not yet been

both therapy and medication which he cannot afford. His medication alone is \$680 per month.

ORDER

The decision of PATH is affirmed.

REASON

PATH's VHAP regulations define a VHAP group as the "applicant and his or her spouse" and "children under age 21 of the applicant or spouse" if they are living in the same home. W.A.M. 4001.8. The petitioner argues that his daughter's income should not have been included because she is an "emancipated minor." The petitioner considers only the income of himself and his wife to be relevant to the decision.

The income of the husband and wife alone is \$2,492.50 per month. Under the regulations, "an individual must be a member of a VHAP group with countable income under the "applicable income test" to be financially eligible for benefits. W.A.M. 4001.8. The "applicable income test" for a two person household is \$1,515 per month. P-2420B. The petitioner and his wife's income alone is far in excess of that amount. PATH

notified that these benefits will cease.

correctly terminated the petitioner's benefits under that program, even without counting the daughter's income.

The petitioners should note that their income alone (without their daughter's) is also in excess of the level for both the Vscript (\$1,768 per month), P-2420B, and Vscript Expanded (\$2,273 per month) programs. P-2420B. The only categories into which the petitioners might fit with their income in the VHAP related group of programs is the "Healthy Vermonters" program which has a limit for the disabled of \$4,040 per month. They are eligible for that program whether their daughter's income is counted or not.

The petitioner should also be aware that if he were to begin working, he and his spouse may have up to \$2,525 per month, after work deductions, and be eligible for Medicaid. M200 p. 5, and P-2420B. The Medicaid program would not count his daughter's income. M221.

Since the petitioner's income is in excess of levels set for even a two person household, it does not have to be determined whether his daughter's income should be counted or not. As PATH's decision terminating the petitioner from

benefits is correct, the Board must uphold that decision. 3

V.S.A. § 3019d, Fair Hearing Rule 17.

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