

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,532
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) finding that he is no longer eligible for Medical coverage under the Department's VScript program. The issue is whether the petitioner's income is in excess of the program maximum.

FINDINGS OF FACT

1. The petitioner lives with his wife and adult, but under twenty-one-year-old, daughter. His daughter is eligible for limited medical benefits under the Healthy Vermonters program. His wife is eligible for VHAP.

2. The petitioner does not dispute that he receives Social Security benefits of \$588.70 per month and that his and his wife's combined income from employment is \$1,903.82.

3. The petitioner reapplied for VScript in May 2003. After receiving the above updated information from the petitioner about his family's income, the Department eventually found the petitioner ineligible for VScript because

his household's net countable income, after allowing for a \$90 disregard from both the petitioner's and his wife's earned income, is \$2,312.52, which is in excess of the \$2,226 per month maximum.

4. The Department has found the petitioner eligible for its less comprehensive VScript Expanded program, which has an income maximum of \$2,862 for a three-person household.

ORDER

The decision of the Department is affirmed.

REASONS

The regulations governing the Department's various medical programs require that an applicant meet certain income eligibility guidelines in order to be eligible. For VScript, the Department is required to treat the petitioner, his wife, and daughter as a household of three persons and to count their combined incomes in determining the petitioner's eligibility. W.A.M. § 3201.6. The Department determined that this made the petitioner ineligible for VScript, which has a three-person income maximum of \$2,226 a month. Procedures Manual § P-2420B. However, the petitioner was found eligible for VScript Expanded coverage (see supra). Id.

At the hearing in this matter, held on August 6, 2003, the petitioner was advised to promptly reapply for benefits if his income is reduced. Inasmuch as the petitioner is not far over the income tests he could also consider voluntarily reducing his and/or his wife's earned income to the extent this will make him eligible for VScript.¹

Inasmuch as the Department's decision in this matter was in accord with the pertinent regulations it must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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¹ The petitioner is advised to consult with legal aid before he takes such a step.