

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,618
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistance, Transition, and Health Access (PATH) finding her ineligible 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 gross income of about \$1,430 a month from full-time employment. Following her application for VHAP the Department notified her in May 2003 that she was ineligible due to excess income.¹

2. The petitioner does not dispute any of the figures used by the Department. She needs insurance coverage because she has a medical condition that requires costly medical care and prescription medications. The petitioner feels she should

¹ The petitioner had also applied for Medicaid on the basis of disability, but was found ineligible because she is working. At the hearing, held on

be allowed a deduction from her income to reflect her high medical expenses.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations, all earned income is included as countable income for eligibility. W.A.M. 4001.81(c). For employees the only deduction allowed is a \$90 standard deduction. 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 has countable income in excess of the maximum for eligibility under the VHAP program for a single individual, which is \$1,123 a month. P-2420 B (16). If an applicant 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.

September 18, 2003, the petitioner did not dispute that her full-time employment renders her ineligible for Medicaid on the basis of disability.

The petitioner has been found eligible for the Healthy Vermonters Program that helps reduce her expenses for the prescription medication she must take. At the hearing it was explained to the petitioner that if her income should decrease, even voluntarily, she can reapply for VHAP (although she was advised to seek legal counsel before voluntarily reducing her income for this purpose).

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