

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,689
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department of Prevention, Assistance, Transition, and Health Access (PATH) finding him and his wife no longer eligible for Vermont Health Access Program (VHAP) benefits. The issue is whether the household's income exceeds the program maximum.

FINDINGS OF FACT

1. The petitioner and his wife are a two-person household. In September 2003 they received notice from the Department that their VHAP benefits would terminate effective October 1, 2003 due to the petitioner's wife becoming eligible to receive Social Security disability benefits.

2. The petitioner does not dispute that presently he and his wife have combined gross unearned income of about \$1,842 a month. The VHAP maximum for a two-person household is \$1,515.

3. The petitioner does not dispute any of the figures used by the Department. He and his wife need insurance

coverage because they have medical conditions that require costly prescription medications. It appears that the petitioner will be eligible for the Healthy Vermonters Program for the discount purchase of medications and that his wife will be eligible for the VScript Expanded program to help pay a portion of her prescription drug costs. It also appears that the petitioner's wife would be eligible for Medicaid based on her disability once an (albeit large) spenddown, or deductible, is met.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations, all unearned income is included as countable income for eligibility. W.A.M. 4001.81(c). 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 and his wife have countable income in excess of the maximum for eligibility under the VHAP program for a two-person household, which is \$1,515 a month. P-2420 B (16). If a household has income

above this amount, it 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.

#