

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,743
)
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 countable income of \$1,519.37 a month from employment and her continuing receipt of a child support arrearage. Following her reapplication for VHAP the Department notified her in October 2003 that she was ineligible due to excess income, effective November 2, 2003.

2. The petitioner does not dispute any of the figures used by the Department. Although her income recently increased, she maintains that it is insufficient to pay her medical expenses without VHAP.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations, all earned and unearned 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. There is no dispute that the petitioner in this matter 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.

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