

she has a medical condition that requires costly medical care and prescription medications. The petitioner feels she should be allowed a deduction from her income to reflect her high medical expenses.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VScript regulations, all earned and unearned income of an individual and her spouse is included as countable income for eligibility. W.A.M. 3201.61. For employees without children the only deduction allowed is a \$90 standard deduction, which the Department allowed the petitioner's husband. Unlike Medicaid, however, there are no deductions for medical expenses in the VScript program.

There is no dispute that the petitioner has countable income in excess of the maximum for eligibility under the VScript program for a two-person household, which is \$2,342 a month. P-2420 B. If an applicant has income above this amount she cannot be found eligible for that program. W.A.M. 3201.64. 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.

At the hearing it was explained to the petitioner that if her income should decrease, even voluntarily, she can reapply for VScript or other health care benefits (although she was advised to seek legal counsel before voluntarily reducing her income for this purpose).

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