

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 19,255
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision of the Department of Children and Families Economic Services (DCF) finding her ineligible for VScript benefits. The issue is whether the petitioner's income exceeds the program maximum.

FINDINGS OF FACT

1. The petitioner does not dispute that she lives with her husband and that the two of them have a countable combined household income of \$2,446.10 a month. Following her periodic reapplication for VScript the Department notified her in July 2004 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.

¹ The petitioner, who is disabled, was found eligible for Medicaid after a spenddown. At the hearing, held on September 5, 2004, it appeared that the petitioner may have already met her spenddown amount and thus be eligible for Medicaid. The petitioner was advised of her separate right of appeal if she has any dispute with the Department's determination of her eligibility for Medicaid.

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 both the petitioner and her 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.

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