

DCF deducted \$20 due to the petitioner's age and arrived at a total of \$1,055 in countable benefits. DCF compared that amount to the maximum of \$1,048 for the Medicaid program and determined that the petitioner had excess income, albeit only \$7.

4. The petitioner says that he cannot afford to pay the \$94.64 per month premium and will likely drop the coverage if Medicaid does not pay it. DCF has told the petitioner that they will not attempt to recover the payments made for his premiums by mistake and that he should reapply in January 2005 when the income limits will change.

ORDER

The decision of DCF is affirmed.

REASONS

DCF has a provision in the Medicaid program under which it will pay Part B Medicare premiums for certain "qualified individuals." M200.44. Those individuals must have income under 135 percent of the Federal Poverty Level which at the time of this action was \$1,048 per month. P-2420B(2). The petitioner's income, even after the \$20 deduction allowed in the above regulation was in excess of that amount. Thus, DCF was correct in terminating its payment of this premium for

the petitioner and its decision must be upheld by the Board.
3 V.S.A. § 3091(d), Fair Hearing Rule 17.

The petitioner should be aware that the amount for qualified beneficiaries was raised as of January 1, 2005. The amount is now \$1,071 per month. P-2420B(2). Undoubtedly, the petitioner's income went up as well on January 1, 2005, since he receives an annual increase, but he is advised to check with his worker to see if he might now be eligible.

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