



petitioner that her eligibility for VHAP would end as of November 30, 2004.

2. At a hearing in this matter, held on January 19, 2005, the petitioner admitted that the Department had correctly determined her income, and that her income was unchanged as of the day of the hearing. However, the Department informed the petitioner that effective January 1, 2005 the program maximum for one person had been increased to \$1,190 a month. The petitioner was advised to reapply for VHAP on this basis.<sup>1</sup>

ORDER

The Department's decision is affirmed.

REASONS

Under the rules adopted by the Department for the VHAP program at W.A.M. 4001.81, income for purposes of eligibility is calculated as follows:

Countable income is all earned and unearned income, as defined in this section, less all allowed deductions. Income in the month of application (or review) and future months is estimated based on income in the calendar month prior to the month of application (or review) unless changes have occurred or are expected to occur and this income does not accurately reflect

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<sup>1</sup> The petitioner's eligibility for VHAP has continued pending this fair hearing. If, as it appears, the petitioner reapplies and is found eligible for VHAP as of January 1, 2005, there will be no loss of or gap in her coverage.

ongoing income. If changes are expected to occur, an estimate of income based on current information should be used.

In this case, there is no dispute that the Department correctly determined the petitioner's monthly income to be \$1,258. That amount, less the standard \$90 employment expense deduction, was in excess of the income maximum for a one-person household, which as of November 2004 was \$1,164 per month. W.A.M. 4001.83 III, Procedures P-2420B(1). Thus, it must be concluded that the Department's decision at that time was in accord with the above regulation, and the Board must uphold the result. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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