

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 19,503  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals a decision of the Department for Children and Families, Economic Services, (DCF) terminating his daughter from the Dr. Dynasaur program due to excess income.

FINDINGS OF FACT

1. The petitioner lives with his wife and seventeen-year-old daughter. His wife earns \$1,397.60 per month and will be able to put her daughter on her employer's health insurance starting this summer. The petitioner receives \$1,816.20 per month in Social Security disability benefits and his daughter receives \$905.00 per month as his dependent. Both of their Social Security checks increased in January of 2005 due to a cost of living increase.

2. The petitioner's daughter has been a Dr. Dynasaur (Medicaid) recipient for some time. After their recent Social Security increases, DCF recalculated the daughter's eligibility for benefits and determined that she is no longer

eligible. The petitioner was notified of that fact by letter dated January 11, 2005.

3. The petitioner appeals that determination, asking if his daughter can remain on Dr. Dynasaur until she is eligible under his wife's insurance.

ORDER

The decision of DCF is affirmed.

REASONS

Neither DCF nor the Board has any discretion to continue benefits when a beneficiary is no longer income eligible.

M 300. The family's countable income after a \$90 earned income disregard is \$4,031.80 per month. The maximum income in the Dr. Dynasaur program for a family of three is \$4,010. P2420B(1). The petitioner does not dispute that his family's countable income is over that maximum, albeit only by \$21.80. As the family is over income, DCF is correct in terminating the coverage and the Board is bound to affirm that decision. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

# # #