STATE OF VERMONT

HUMAN SERVICES BOARD

In re	)	Fair Hearing No. 19,723
	)	
Appeal of	)	

INTRODUCTION

The petitioner appeals a decision of the Department for Children and Families, Economic Services finding her son ineligible for Medicaid and Vermont Health Access Program (VHAP) benefits. The issue is whether the petitioner's household income exceeds these programs' maximums.

FINDINGS OF FACT

1. The petitioner is the caretaker for her twenty-year-old son, who is disabled. The Department notified the petitioner in May 2005 that due to her income her son was not eligible for Medicaid or VHAP. The petitioner does not dispute that she currently has gross monthly income of $1,785.

2. The petitioner does not dispute any of the figures used by the Department. Her son was found ineligible for VHAP and was given a Medicaid spenddown amount of $3,178 for the six-month period beginning June 1, 2005 before he could be eligible for Medicaid coverage.

3. At the fair hearing in this matter, held on July 6, 2005, the petitioner stated that her son was about to leave her home and live elsewhere. The petitioner was advised to have him reapply for Medicaid and VHAP as soon as this occurs.

ORDER

The decision of the Department is affirmed.

REASONS

Under the VHAP regulations, parents and children under age twenty-one living together are considered as a household, and all income of eligible household members is included as countable income for each household member's eligibility. W.A.M. 4001.81(c). For employees, the only deduction allowed is a $90 standard deduction. It appears the petitioner was allowed this deduction. Unlike Medicaid, there are no deductions for medical expenses in the VHAP program.

There is no dispute that the petitioner has countable income in excess of the maximum for eligibility under the VHAP program for a two-person family, which is $1,598 a month. P-2420 B. If applicants have income above this amount, they cannot be found eligible for that program. W.A.M. 4001.83 and 4001.84.

For Medicaid, it appears the Department considered all the family's verifiable recurring medical and prescription costs, and allowed them as a deduction from their combined income. However, even this net amount was well in excess of the Medicaid maximum of $866 a month, and resulted in a six month spenddown of $3,178.

Inasmuch as there is no dispute that the Department’s decision is in accord with its regulations, the Board is bound to uphold it. 3 V.S.A. 3091(d), Fair Hearing Rule 17.

# # #