

REASONS

Under the VHAP regulations all earned income of eligible household members is included as countable income. 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. Unfortunately, however, for individuals in the petitioner's position, there are no deductions for medical expenses in the VHAP program (although the Board has often noted that this feature often denies eligibility to those with the greatest medical need).

There is no dispute that the petitioner has countable income in excess of the maximum for eligibility under the VHAP program for a single person, which is \$1,190 a month. P-2420 B. Individuals with income above this amount cannot be found eligible for that program. W.A.M. §§ 4001.83 and 4001.84. 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 No. 17.

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