

availability for work. He was advised to reapply for VHAP if his income falls below the monthly program maximum.

ORDER

The Department's decision is affirmed.

REASONS

Under the VHAP regulations, all unearned income, which includes unemployment benefits, is included as countable income for eligibility. W.A.M. 4001.81(b). There is no dispute that as of the dates of his application and hearing the petitioner had countable income in excess of the maximum for eligibility under the VHAP program for a one-person family, which is \$1,197 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. Thus, the Department's decision finding the petitioner ineligible for VHAP based on his September 15, 2005 application must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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