STATE OF VERMONT

HUMAN SERVICES BOARD

In re	)	Fair Hearing No. 20,680
	)	
Appeal of	)	

INTRODUCTION

The petitioner appealed a decision by the Department for Children and Families, Health Access Eligibility Unit (HEAU) terminating her Vermont Health Access Program (VHAP) benefits. The issue is whether HEAU was justified in terminating petitioner's VHAP benefits for no cooperation.

FINDINGS OF FACT

1. The petitioner first became eligible for VHAP benefits starting April 1, 2006. Petitioner was notified by HEAU in a written notice dated March 23, 2006 that her eligibility would start on April 1, 2006 and that her eligibility needed to be reviewed by September 30, 2006 to determine whether eligibility would continue.

2. On August 7, 2006, HEAU sent petitioner a review reminder notice. HEAU enclosed a recertification form to complete by September 1, 2006 so that HEAU could process petitioner's review by September 15, 2006. In addition, the

review reminder notice notified petitioner that her VHAP coverage would end if HEAU could not complete its review.

3. A second reminder notice was sent on September 5, 2006 informing petitioner if she did not return the recertification form by September 15, 2006, her VHAP coverage would end on September 30, 2006.

4. On September 15, 2006, HEAU docketed materials that had been faxed to them by petitioner on September 14, 2006. The fax included pages 2, 3, 5, and a blank page from the recertification form.

5. On September 18, 2006, HEAU sent petitioner a verification review form noting that they had not received a signature sheet or other parts of the recertification form and were missing information regarding petitioner's income. The verification review indicated that if materials were not received by September 29, 2006, VHAP benefits would close on September 30, 2006.

6. On September 18, 2006, HEAU sent a notice that VHAP benefits would close September 30, 2006 because they had not received recertification materials.

7. All notices were sent to the same address. According to petitioner, she moved during July and notified HEAU of her new mailing address. She testified she had not

received the September 18, 2006 notices. She did receive the August 7 and September 5, 2006 notices.

8. Dorothy Beane from HEAU testified that they did not have a record of petitioner calling with an address change during this time period. All HEAU mail includes notice on the envelopes to the postal service not to forward mail but return the mail to HEAU if the addressee has moved or the mail is undeliverable. No mail was returned to HEAU.

9. Petitioner reapplied for VHAP on December 13, 2006 and was found eligible for VHAP on December 29, 2006. Petitioner appealed the termination of her VHAP benefits on December 19, 2006. The appeal covers a closed period of time from October 1, 2006 until December 29, 2006.

ORDER

The Department's decision is affirmed.

REASONS

Under the VHAP regulations, a person who meets the eligibility criteria is enrolled in VHAP for a six month period. To continue VHAP coverage, the person needs to provide the Department with information prior to the end of his/her certification period. W.A.M. § 4002.3 states:

> A review of eligibility will be completed before the end of each certification period to assure uninterrupted coverage if the individual remains eligible, complies in a timely manner with review requirements, and pays any required premium by the due date. An individual who fails to comply timely with review requirements and paying any required premium shall receive a termination notice mailed at least 11 days before the termination date. A failure to comply timely may result in a gap of coverage.

HEAU provided petitioner with notice of her recertification date starting with their initial eligibility notice and continued through reminder notices, verification notice, and the case closure notice. Petitioner did not timely comply with the recertification requirements. Accordingly, the Department's decision to terminate VHAP benefits for the period of October 1, 2006 until December 29, 2006 should be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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