

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. A-07/08-301
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Health Access Eligibility Unit, terminating Vermont Health Access Program (VHAP) eligibility for petitioner and her spouse and terminating Medicaid eligibility for petitioner's daughter. The issue is whether petitioner's income exceeds the program limits for the applicable medical programs. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioner resides with her spouse and their daughter, a college student.
2. On or about April 18, 2008, petitioner applied for medical assistance for her family. At that time, petitioner's spouse was between jobs and the family had no income. The Department granted VHAP for petitioner and her spouse and Medicaid for the daughter.
3. On or about May 14, 2008, petitioner reported to the Department that her spouse was starting a new job and

provided income verification. His annual salary is \$60,000 per year or \$5,000 per month. The family will qualify under the employer's health insurance plan on September 1, 2008.

4. The Department recalculated the petitioner's eligibility for medical benefits, applied applicable deductions, and determined that petitioner and her spouse were over income for VHAP for a family of three and over income for continuing Medicaid benefits for the daughter. There is no dispute as to the calculations.

ORDER

The Department's decision to terminate benefits is affirmed.

REASONS

Under the VHAP regulations, all earned income, except for a \$90.00 disregard is included as countable income for eligibility. W.A.M. § 4001.81(c) and (e). There is no dispute that as of the date of recommending closure of their VHAP eligibility and hearing that the petitioner had countable income in excess of the maximum for eligibility under the VHAP program for a three person. P-2420B.

In addition, there is no dispute that as of the date recommending closure of the daughter's Medicaid the daughter was over the income guidelines for Medicaid.

Based on the regulations, the Department's decision to terminate VHAP coverage for petitioner and her spouse and terminate Medicaid for the daughter is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

#