

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. A-03/09-140  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Health Access Eligibility Unit (HAEU), terminating Vermont Health Access Program (VHAP) benefits and finding petitioner ineligible for Catamount Health Premium Assistance Program (CHAP) benefits. The issue is whether the petitioner meets the income eligibility limits for either program. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioner resides with her twenty-year-old daughter, E.G. The petitioner and her daughter are considered a two person household for the VHAP and CHAP programs.

2. On or about January 27, 2009, HAEU sent petitioner a Notice of Decision that her VHAP benefits would close effective February 28, 2009 because petitioner was over-income for the VHAP program based on information provided by

petitioner for their recertification<sup>1</sup>. In addition, petitioner was notified that her household was over-income for the CHAP program. The petitioner requested a fair hearing from HAEU on February 27, 2009. Petitioner has been receiving continuing VHAP benefits. A fair hearing was held on May 13, 2009.

3. Petitioner does not dispute the income figures used by HAEU that include her wages and include E.G.'s Social Security Disability benefits.<sup>2</sup>

4. After applying applicable deductions, HAEU determined that the petitioner has countable monthly income of \$6,505.58. This amount exceeds the maximum monthly income guidelines for a two person household of \$1,829 for VHAP and \$3,658 for CHAP.

ORDER

The Department's decision is affirmed.

REASONS

The VHAP program provides health insurance for households whose countable income is equal to or less than

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<sup>1</sup>This notice was subsequently corrected on February 12, 2009.

<sup>2</sup>E.G. will be eligible for Medicare benefits in July, 2009. Individuals eligible for Medicare are not eligible for either VHAP or CHAP. E.G.'s Social Security Disability benefits are \$1,321 per month.

185% of the Federal Poverty Level (FPL). The Department has promulgated regulations that set out how to determine countable income. All earned and unearned income is considered except for certain deductions such as the \$90.00 employment disregard and/or a dependent care disregard. W.A.M. § 4001.81(c) and (e).

Petitioner argued that E.G.'s Social Security Disability benefits should be exempted from the household's income. Social Security Disability benefits are considered unearned income and counted towards household income. This is in contrast to Supplemental Security Income (SSI) benefits that are exempted from the household benefits. W.A.M. § 4001.81.

There is no dispute that as of the date of recommending closure of their VHAP eligibility and hearing that the petitioner's household had countable income in excess of \$1,829, the maximum for eligibility under the VHAP program for a two person household. P-2420B.

The Vermont Legislature passed Act 191, An Act Relating to Health Care Affordability in 2006 that includes premium assistance for uninsured adult Vermonters who are not eligible for the Vermont Health Access Program (VHAP) and whose income is equal to or less than 300% of the Federal Poverty Level (FPL). W.A.M. §§ 4102 and 4102.4.

The Department has promulgated regulations that set out how income is calculated for CHAP eligibility that mirrors the VHAP regulations. W.A.M. § 4102.7. As of the date of the Department's action and hearing, there is no dispute that the household had countable income in excess of \$3,658, the maximum for eligibility under the CHAP program for a two person household. P-2420B.

Accordingly, the Department's decision is affirmed. 3  
V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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