

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. A-03/09-179  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals a decision by the Department for Children and Families, Health Access Eligibility Unit, denying his application for Vermont Health Assistance Program (VHAP) benefits and disputing the amount of his premium for Catamount Health Access Program (CHAP) benefits. The issue is whether the Department correctly determined his eligibility for VHAP and correctly determined the amount of his CHAP premium. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioner is a one person household. Petitioner receives temporary total disability through worker's compensation. Worker's compensation pays for work related health expenses only.
2. The petitioner receives \$487.24 per week in worker's compensation benefits or \$2,095.13 per month after his child support obligation is deducted.

3. On February 10, 2009, the Department issued a Notice of Decision that petitioner was over-income for VHAP but was eligible for CHAP.

4. The Department determined that the petitioner had countable income of \$1,525.93 per month after applying all applicable deductions. Petitioner's monthly countable income exceeded the VHAP monthly limit of \$1,359 for a household of one.

5. Based on petitioner's countable income, the Department assessed a premium of \$60 per month. The Department appears to have double counted the child support payment so that his premium amount is not correct.<sup>1</sup>

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 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

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<sup>1</sup>As of the date of the hearing, petitioner had not paid his premium leading to cancellation of CHAP. Petitioner can reapply for CHAP.

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). There is no dispute that as of the date of determining petitioner's VHAP eligibility and hearing that the petitioner's household had countable income in excess of \$1,359, the maximum for eligibility under the VHAP program for a one 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.

Petitioner's income falls within the income limits for CHAP eligibility provided he pays an assessed premium. As of the date of the hearing, CHAP coverage had been cancelled due to nonpayment of the premium so that the issue of the premium amount is moot. Petitioner can reapply for CHAP at any time.

Based on the foregoing, the Department's decision to deny VHAP eligibility is affirmed. The amount of the CHAP premium should be considered moot as petitioner's CHAP was cancelled. 3 V.S.A. § 3091(d), Fair Hearing No. 1000.4D.

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