

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. Y-09/11-578  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals the decision of the Department for Children and Families, Economic Services Division terminating her child's eligibility for Dr. Dynasaur benefits under Medicaid. The issue is whether the petitioner's income exceeds the program maximum. The following facts are not in dispute and are based on the representations of the parties at a hearing held on October 14, 2011, and on documents submitted by the Department at and following that hearing.

FINDINGS OF FACT

1. The petitioner lives with her minor child. In September 2011 the petitioner underwent an eligibility review for health care benefits. In her application the petitioner reported biweekly earnings from employment of \$1,652.29 and unearned income of \$776.00.

2. The Department determined her monthly earnings by multiplying her biweekly paychecks by 2.15 (the average number of two-week periods in a month), yielding \$3,304.58.

The Department allowed the petitioner the standard employment deduction of \$90 and the maximum allowable for child care, \$175.00. This brought the total countable income to \$3,815.58.

3. Inasmuch as the above amount exceeded the program maximum of \$3,713.00, the Department notified the petitioner that her child's eligibility for Medicaid would end September 30, 2011.<sup>1</sup> At the hearing, the petitioner was informed that if she could voluntarily or otherwise reduce her income to or below this amount, she could reapply.

ORDER

The decision of the Department is affirmed.

REASONS

As noted above, the maximum allowable income for Dr. Dynasaur is \$3,713.00 (300 percent FPL). Procedures Manual § P-2420B. The petitioner does not dispute that her income from employment, after all allowable deductions, is slightly over this amount. Inasmuch as the Department accurately determined the petitioner's income in accord with the regulations, the Board is bound to uphold the Department's decision. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

# # #

---

<sup>1</sup> The petitioner was given a six-month spenddown amount of \$10,999.74.