

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. A-01/13-01  
 )  
Appeal of )

INTRODUCTION

Petitioner appeals the determination by the Economic Services Division of the Vermont Department for Children and Families ("Department") that he is no longer eligible for the Catamount Health Premium Assistance Program (CHAP). The following facts are adduced from documents and testimony entered into the record during a hearing held January 16, 2013 and representations of the parties during a telephone status conference held on January 24, 2013.

FINDINGS OF FACT

1. Petitioner has custody of three grandchildren pursuant to a Child In Need of Supervision stipulation involving his son, the father of the three children. All three grandchildren live with petitioner in his home in Grand Isle.

2. Petitioner's custody arrangement for his grandchildren dates back to June 19, 2012 and is jointly shared with the grandchildren's paternal aunt.

3. Based on an application for CHAP for a household of four - constituting petitioner and his three grandchildren - petitioner was found eligible for CHAP for the month of December. Petitioner's monthly income is \$3,871.08, which is the amount of his workers' compensation.

4. Petitioner's grandchildren all receive Reach-Up grants.

5. On December 18, 2012, the Department determined that petitioner was ineligible for CHAP effective January 1, 2013, calculating his eligibility based on a household of one. The monthly maximum allowable income for CHAP eligibility for a household of one is \$2,873.

6. The Department represented that it had erred in its initial determination of petitioner's CHAP eligibility based on a household of four, on the grounds that the grandchildren should not be included in the CHAP household due to their receipt of Reach Up benefits.

7. Petitioner submitted a timely appeal of the termination of his CHAP eligibility.

ORDER

The Department's decision is affirmed.

REASONS

The Catamount Health Premium Assistance Program provides premium assistance for health insurance to eligible Vermont residents. W.A.M § 5913. Eligibility is based on income, with the premium amount for the beneficiary calculated on a sliding scale, up to the maximum income for eligibility, 300 percent of the Federal Poverty Level. Id.

Under the CHAP regulations, household income is calculated in accordance with VHAP rule 5320. W.A.M. § 5320(A). Under VHAP rule 5620, a household group includes:

- A. the applicant and his or her spouse;
- B. children under age 21 of the applicant or spouse;
- C. siblings under age 21, including halfsiblings and stepsiblings, of B;
- D. parents, including a stepparent and adoptive parents of C., and
- E. children of any children in B. and C., and
- F. unborn children of any of the above.

W.A.M. § 5320.

Rule 5320 specifically precludes the inclusion in the group of "any individual eligible for and receiving Reach Up benefits." Id.

There is no dispute regarding the amount of petitioner's monthly income. The sole dispute is whether his monthly

income should be applied to the eligibility standard for a household of four or a household of one. Despite the Department's error in initially granting eligibility to petitioner, the regulations clearly exclude his grandchildren from the determination of household size. The maximum monthly income for CHAP eligibility for a household of one is \$2,873. Petitioner's monthly income exceeds the maximum for eligibility.

The Department's decision is consistent with the applicable regulations. Therefore, the Board is required to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

# # #