

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-04/16-409
)
Appeal of)
)

INTRODUCTION

Petitioner appeals the denial of Medicaid eligibility and alternatively the denial of advance premium tax credit ("APTC") eligibility by the Department for Children and Families ("Department" or "DCF") through Vermont Health Connect ("VHC"). The following facts are adduced from a hearing held May 6, 2016 and documents submitted by the Department as of May 11, 2016.

FINDINGS OF FACT

1. Petitioner is married and lives with his spouse.
2. Petitioner applied in March of 2016 for health care coverage through Vermont's health exchange, after making several calls (beginning in January) to VHC regarding potential health coverage. He reported income of \$12,514 per year and spousal income of \$31,285 per year on his application.

3. Petitioner also indicated on his application that he and his spouse would not file a joint tax return and instead would file as married filing separately.

4. Petitioner was denied Medicaid eligibility based on household income and he and his spouse were denied APTC assistance because they would not file a joint tax return.

5. Petitioner states that he was informed by VHC that he would be eligible for Medicaid based on his income alone and believes it is unfair to penalize him and his spouse for filing separately, as they keep separate finances.

ORDER

The Department's decision is affirmed.

REASONS

Review of the Department's determination is de novo. The Department has the burden of proof at hearing if terminating or reducing existing benefits; otherwise the petitioner bears the burden. See Fair Hearing Rule 1000.3.0.4.

For the purposes of Medicaid eligibility, the incomes of petitioner and his spouse must be considered together, as a joint household (regardless of filing status). See Health Benefits Eligibility and Enrollment ("HBEE") Rules §

28.03(e)(5). Their joint household income of \$43,799 per year is well above the applicable Medicaid income eligibility threshold of \$1,842.75 per month - which is 133 percent of the Federal Poverty Level ("FPL"), plus 5 percent of the FPL, for a household of two. See Medicaid Procedures Bulletin 16-18 (effective 4-1-16).¹

With respect to APTC eligibility, the rules require that a married applicant file a joint return, absent specific circumstances not present or at issue here. See Health Benefits Eligibility and Enrollment ("HBEE") Rules § 12.03(b).²

Therefore, the Department's determination is consistent with the rules and must be affirmed. See 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

#

¹While the rules contemplate the 5 percent of FPL as a "disregard" from income, the Department has chosen to represent this in the applicable procedures as a 5 percent of FPL increase in the eligibility threshold - the resulting eligibility test is the same.

² Petitioner indicated that he and his spouse may reconsider filing separately and was encouraged to inform the Department if his circumstances change. He also indicated that his spouse has the option of health insurance through her employer, which may affect their APTC eligibility.