

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 18,027  
 )  
Appeal of )

INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) terminating her Vermont Health Access Program (VHAP) benefits due to excess family income. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioner reapplied for VHAP on September 2, 2002. At that time the petitioner had earnings from employment of \$1,591 per month. She lives with her two children, an eighteen-year-old daughter and a twenty-year-old son. Her son was employed and had recently had an increase in earnings to \$1,125 a month. After allowing both the petitioner and her son a \$90 standard employment deduction, the Department determined that the combined household income from these earnings was \$2,536 a month.

2. The Department denied the petitioner's application because it considers both the petitioner's and her son's

income available to the household, and that income exceeds the VHAP maximum of \$2,324 for a three-person household.

3. The petitioner does not dispute any of the figures used by the Department. The Department determined that the household did qualify for the Healthy Vermonters program.

ORDER

The decision of the Department is affirmed.

REASONS

Section 4001.8 of the VHAP regulations provides: "An individual must be a member of a VHAP group with countable income under the applicable income test. . ." and that all "parents" and "children under age 21" must be included in the VHAP group. Earned income from wages is considered countable income for VHAP eligibility. W.A.M. 4001.81(b) and (c). The only deduction for which the petitioner and her son are eligible is a standard employment expenses deduction of \$90.00 each per month. W.A.M. 4001.81(e). There are no deductions for medical expenses in the VHAP program.

It is not disputed that the petitioner's household has countable income of \$2,536 per month. The maximum for eligibility under the program for three-person household

\$2,324 per month. P-2420 B (6). If the household has income above that figure, no one in the household can be found eligible for VHAP. W.A.M. 4001.83 and 4001.84.<sup>1</sup> As the Department's decisions are in accord with its regulations, the Board is bound to uphold those decisions. 3 V.S.A. 3091(d), Fair Hearing Rule 17.

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<sup>1</sup> There is no penalty under the regulations if a household voluntarily reduces its income to become eligible for benefits. The petitioner is free to weigh any loss of income against her family's medical expenses that would be covered by insurance if her income were to be reduced below the program maximum. If she decides to reduce her income she can reapply for VHAP on this basis.