

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 20,034  
 )  
Appeal of )

INTRODUCTION

The petitioners appeal a decision of the Department for Children and Families, Economic Services Division denying their application for Vermont Health Access Program (VHAP) benefits. The issue is whether the petitioners' income exceeds the program maximum.

FINDINGS OF FACT

1. The petitioners and their daughter were recipients of "transitional" Medicaid until October 31, 2005. In October, the petitioners submitted a review application for Medicaid and VHAP, which the Department denied on October 11, 2005.<sup>1</sup>

2. The petitioners do not dispute the Department's determination that their countable household income at that time from wages and Social Security benefits was \$3,056.60 a

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<sup>1</sup> The petitioners were found eligible for the Healthy Vermonters program. Their daughter was found eligible for Dr. Dynasaur benefits.

month, which was in excess of the transitional Medicaid maximum of \$2,481<sup>2</sup> and the VHAP maximum of \$2,012 for three-person households.

3. At the hearing (held on December 13, 2005) the petitioners stated that their earned income might be subject to fluctuations based on hours of available work. They were advised to immediately reapply for Medicaid and VHAP if their income falls below the above monthly program maximums.

ORDER

The Department's decision should be affirmed.

REASONS

Under the Medicaid and VHAP regulations, all earned income, except a \$90 disregard, and all unearned income is included as countable income for eligibility. W.A.M. §§ M350 and 4001.81(b). There is no dispute that as of the date of their review the petitioners had countable income in excess of the maximums for eligibility under the transitional Medicaid and VHAP programs for a three-person family, which are \$2,481 and \$2,012 a month respectively. P-2420 B. Thus, the Department's decision finding the petitioners ineligible for

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<sup>2</sup> The petitioners were given a "spenddown" amount for Medicaid eligibility of \$4,095.24 each for the six-month period beginning November 1, 2005.

Medicaid and VHAP based on their October 2005 application must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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