

countable income to be \$2,392 a month. At a hearing held on April 21, 2006, the petitioner did not dispute the Department's computation of his and his son's incomes.

3. In a decision dated December 21, 2005, the Department notified the petitioner of the following actions in his case:

a. Effective January 31, 2006, his older son would no longer be eligible for Dr. Dynasaur coverage because he would turn eighteen on January 19, 2006.

b. Effective January 1, 2006, his younger child would remain eligible for Dr. Dynasaur coverage.

c. Effective January 1, 2006, the petitioner would continue to be financially eligible for VHAP coverage, but subject to a monthly premium of \$75.

d. As of February 1, 2006 his older son would not be financially eligible for VHAP based on the family's income.

4. The petitioner filed an appeal on January 10, 2006. His older son's eligibility for Dr. Dynasaur has continued pending the appeal. The petitioner's VHAP has been terminated because he did not pay his premium since January 2006.

ORDER

The Department's decision is affirmed.

REASONS

Under the Department's regulations a child is eligible for the Dr. Dynasaur program only until the end of the month in which he turns eighteen. W.A.M. § 3001.82. For VHAP, adults and high school students under age twenty-one are categorically eligible. W.A.M. §§ 4001.1 & 4001.6. However, parents and all children under twenty-one who live together must be included in a "VHAP group" in determining the financial eligibility of any individual in that group. W.A.M. § 4001.8.

Individuals with group income less than 150 percent of poverty are financially eligible for VHAP. W.A.M. § 4001.84. However, "uninsured parents and caretaker relatives having dependent children" are financially eligible for VHAP if their group income is below 185 percent of poverty. As of January 1, 2006, for a three-person household, 150 percent of poverty was \$2,082 a month, and 185 percent was \$2,567. Procedures Manual § P-2420B.

The "program fee", or premium for an individual with household income between 150 percent and 185 percent of

poverty was \$75 a month. W.A.M. § 4001.91. Nonpayment of the required fee by the billing deadline results in termination of coverage. Id.

Apply the above provisions to the undisputed facts in the petitioner's case (*supra*), there is no question that his older child ceased to be eligible for Dr. Dynasaur benefits as of January 31, 2006. Based on the petitioner's three-person VHAP group's income of \$2,392, the petitioner's son was ineligible for VHAP because the group's income exceeded the 150 percent-of-poverty threshold of \$2,082 applicable to non-parents in the household. The petitioner was financially eligible for VHAP as an "uninsured parent" because the group's income was below the 185 percent-of-poverty threshold of \$2,567 for those individuals. However, inasmuch as the petitioner failed to pay his program fee, he too was ineligible for VHAP.

The petitioner should be advised of two important points. One is that he can reapply for VHAP, and if he is still financially eligible, he can receive benefits upon timely payment of his program fee. The other point is that the petitioner's son can also be eligible for VHAP if the family's income is reduced, *even voluntarily*, below the 150 percent-of-poverty threshold, as set forth above.

In the meantime, however, inasmuch as the Department's decisions in the matter were based upon an accurate determination of the petitioner's family income and were in accord with the applicable regulations, the Board is bound to affirm them. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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