

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-01/12-42
)
Appeal of)

INTRODUCTION

The petitioner appeals a decision by the Department for Children, Economic Services Division, terminating Medicaid for her household.¹ The issue is whether the Department correctly determined the petitioner's eligibility under the regulations.

The material facts are not in dispute. The decision is based on the evidence adduced at fair hearing on February 9, 2012.

FINDINGS OF FACT

1. The petitioner and her husband are a two person household.

2. On December 30, 2011, the Department issued a Notice of Decision terminating the petitioner's Medicaid benefits effective January 12, 2012 due to excess income. Petitioner requested a fair hearing in time for continuing benefits.

¹The petitioner is not appealing the portion of the decision that terminated 3SquaresVT due to excess income.

3. Petitioner's husband secured employment as an electrical engineer earning \$2,000.00 per week gross salary or \$8,600.00 per month. Petitioner's employment is out of state. In addition, the household continues to have \$376.00 per month unearned income.

4. The Department determined that the petitioner's countable household income after allowable disregards was \$4,623.00 per month. The household's income exceeded the maximum income permissible for Medicaid of \$1,000.00 per month during 2011 and the new maximum of \$1,033.00 per month.

ORDER

The Department's decision is affirmed.

REASONS

The Medicaid program was created to provide medical assistance to low income on behalf of families with minor children and on behalf of aged, disabled or blind individuals who are low income and whose resources are below the program cut-offs. 42 U.S.C. § 1396, W.A.M. § 4101.

As part of the Medicaid program, recipients are recertified on a regular basis or when their income changes. W.A.M. § 4140.

When petitioner's husband became employed, the household's income increased substantially. The Department correctly applied the earned employment disregards by first subtracting \$65.00 from gross wages and then subtracting half the remainder to leave net monthly earned income of \$4,267.50. The Department then added the unearned income for total monthly countable income of \$4,623.50.

The maximum income limit for a household of two in Chittenden County was \$1,000.00 per month through December 2011 and became \$1,033.00 per month January 1, 2012.

P-2420B(1). The Department correctly determined that the household's income exceeded the income limits for the Medicaid program.

The Department's decision is affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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