



coverage or be forced to repay benefit costs at the end of this appeal. See Health Benefits Eligibility and Enrollment Rules § 82.00(a), <https://humanservices.vermont.gov/sites/ahsnew/files/documents/23-088-HBEE-Part-8-adopted-scrubbed.pdf> (describing circumstances under which Medicaid eligibility continues during appeal process).

Meanwhile, independent of this appeal process, applicant reapplied for MABD and the Department found him income- and resource-eligible. Applicant enrolled in MABD in December 2025 and his coverage continues prospectively.

The State argues that because applicant is now receiving the MABD benefits he sought, this case is moot. We agree. “A case becomes moot—and this Court loses jurisdiction—when there no longer is an actual controversy or the litigants no longer have a legally cognizable interest in the outcome of the case.” *Paige v. State*, 2017 VT 54, ¶ 7, 205 Vt. 287. In other words, “a case becomes moot when this Court can no longer grant effective relief.” *Id.* (quotation omitted). “[E]ven if a case was not moot when it was first filed, intervening events since its filing can render it moot.” *Id.*

As set forth above, applicant continued to receive Medicaid benefits during the pendency of this appeal and he has now been deemed eligible for MABD. There is no legal relief that this Court can provide to applicant with respect to the decisions on appeal.

Applicant suggests that he may be deemed ineligible again in the future, and therefore this case is subject to a mootness exception for cases capable of repetition but evading review. We reject that argument. Applicant fails to “show that: “(1) the challenged action [is] in its duration too short to be fully litigated prior to its cessation or expiration, and (2) there [is] a reasonable expectation that the same complaining party will be subjected to the same action again.” *In re H.D.*, 2025 VT 67, ¶ 3. He speculates about possible future events. If those events come to pass, applicant will again have the opportunity to appeal. There is no longer an actual, live controversy here. See *In re S.S.*, 2024 VT 87, ¶ 21 (recognizing that this Court’s “authority over a case is limited to the determination of actual, live controversies between adverse litigants” (quotation omitted)).

To the extent that applicant argues that a live issue remains because there should be changes to the rules governing eligibility for Medicaid recipients, we reject that argument. Changing the eligibility rules is not a matter within the Board’s jurisdiction. See 3 V.S.A. § 3091(a) (providing that individual can seek fair hearing where “individual’s claim for assistance, benefits, or services is denied, or is not acted upon with reasonable promptness; or because the individual is aggrieved by any other Agency action affecting the individual’s receipt of assistance, benefits, or services, or license or license application; or because the individual is aggrieved by Agency policy as it affects the individual’s situation”); *id.* § 3091(d) (providing that “Board shall not reverse or modify Agency decisions that are determined to be in compliance with applicable law, even though the Board may disagree with the results effected by those decisions”); Fair Hearing Rules § 1000.4(D), Code of Vt. Rules, 13 020 002. “The Board will not reverse or modify a decision that is found to be in compliance with the applicable law and policy even though the Board might disagree with the results effected by that decision.”). As set forth above, applicant’s complaint as it relates to his own claim for benefits has been resolved.

Because there is no legal relief this Court can provide to applicant, this appeal is dismissed as moot.

Appeal dismissed as moot.

BY THE COURT:

---

Harold E. Eaton, Jr., Associate Justice

---

Christina E. Nolan, Associate Justice

---

Michael P. Drescher, Associate Justice