

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2176355
<b>Decision Date:</b>	9/28/2021	<b>Hearing Date:</b>	09/21/2021
<b>Hearing Officer:</b>	Casey Groff		

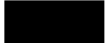
**Appearance for Appellant:**

*Pro se*

**Appearance for MassHealth:**

Sara Mondello, Tewksbury MassHealth  
Enrollment Center

**Interpreter:**



*The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street, Quincy, Massachusetts 02171*

# APPEAL DECISION

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Eligibility; Residence
<b>Decision Date:</b>	9/28/2021	<b>Hearing Date:</b>	09/21/2021
<b>MassHealth's Rep.:</b>	Sara Mondello	<b>Appellant's Rep.:</b>	<i>Pro se</i>
<b>Hearing Location:</b>	Telephonic		

## Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

## Jurisdiction

Through a notice dated August 10, 2021, MassHealth denied Appellant's application for MassHealth benefits because MassHealth determined that Appellant was not a resident of Massachusetts. See Exhibit. 1 and 130 CMR 503.002. Appellant filed this appeal in a timely manner on August 20, 2021. See 130 CMR 610.015(B) and Exh. 2. Denial of assistance is valid grounds for appeal. See 130 CMR 610.032.

## Action Taken by MassHealth

MassHealth denied Appellant's application for MassHealth benefits because it determined he was not a resident of Massachusetts.

## Issue

The appeal issue is whether MassHealth was correct in determining that Appellant did not meet program residency requirements to qualify for MassHealth benefits

## Summary of Evidence

A MassHealth representative appeared at the hearing via telephone and testified as follows: On September 25, 2020, Appellant applied for health insurance through the Massachusetts Health Connector (the "Connector"). Based on the application, Appellant and his wife were enrolled in a

dental and health insurance plan through the Connector which required a monthly premium. On August 10, 2021, Appellant called MassHealth stating that his premium was too high; that he wanted to disenroll his wife; and requested MassHealth benefits for just himself. Accordingly, MassHealth dropped his wife from the case and, using the information from his September 25<sup>th</sup> application, ran Appellant's MassHealth eligibility. On August 10, 2021, MassHealth notified Appellant that he did not qualify for MassHealth benefits because he was not a resident of Massachusetts. See Exh. 1. The MassHealth representative testified that on the application, Appellant reported a Massachusetts address, however, answered affirmatively that he did *not* intend to reside in the state permanently, thus resulting in the denial. The MassHealth representative testified that even if he met the residency requirement, he would still be ineligible for benefits as his reported household income exceeded program limits.<sup>1</sup>

Appellant appeared at the hearing by telephone and testified through a Spanish interpreter. Appellant first argued that he is being sent bills that he cannot afford. When it was discussed that these bills were likely premiums sent by the Health Connector (not MassHealth), Appellant argued that he should be eligible for MassHealth benefits because he cannot afford to pay the associated premiums based on his income. Appellant testified that since the September application, his wife, who was pregnant at the time, delivered their new baby. As a result, his wife has been working less hours and has less income than was reported back in September. They also have another child.<sup>2</sup> After factoring in taxes and living expenses, he does not have enough income to pay for health care costs and premiums. Appellant rejected the assertion that he reported that he did not intend to reside in Massachusetts. He stated there is no reason he would have given that answer on the application. Because he is a resident of Massachusetts, MassHealth's August 10<sup>th</sup> denial was erroneous.

In response, the MassHealth representative stated that changes to Appellant's household income had not been reported to MassHealth, and therefore were not factored into the August 10<sup>th</sup> decision. The representative affirmed that Appellant did indeed report that he did not intend to reside in the state. If this was error, Appellant should contact MassHealth's eligibility department to correct this information. He should also report the updates to their household income and birth of their second child so that MassHealth can re-run his case. The representative offered to call Appellant after the hearing to obtain this information and process a new eligibility determination.

## Findings of Fact

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<sup>1</sup> Based on the information reported on the application, Appellant lived in a household of three (3) and had a combined total gross income of \$4,894.68 per month.

<sup>2</sup> At hearing, the parties also discussed the issue of whether MassHealth correctly excluded this child in determining Appellant's household size. The MassHealth representative testified that on the September 25<sup>th</sup> application, Appellant reported that neither he nor his wife intended to claim the child as a tax dependent. Therefore, when calculating Appellant's financial eligibility, MassHealth used a household size of three: Appellant, his wife, and (because he listed his wife as pregnant) their unborn child. Because Appellant's application was denied for lack of residency status, MassHealth never rendered an official determination regarding financial eligibility. Accordingly, the issue of household size is not relevant to this case.

Based on a preponderance of the evidence, I find the following:

1. On September 25, 2020, Appellant applied for health insurance through the Massachusetts Health Connector.
2. Based on the application, Appellant and his wife were enrolled in a dental and health insurance plan through the Connector.
3. On August 10, 2021, Appellant called MassHealth stating that his premium was too high; that he wanted to disenroll his wife; and requested MassHealth benefits for just himself.
4. On August 10, 2021, MassHealth notified Appellant that he did not qualify for MassHealth benefits because he was not a resident of Massachusetts.
5. In his September 25, 2020 application, Appellant reported living at a Massachusetts address, however, answered affirmatively that he did *not* intend to reside in the state permanently,
6. In addition, Appellant's combined gross household income, as reported in his application, exceeded MassHealth program limits to qualify for MassHealth benefits.

## **Analysis and Conclusions of Law**

At issue is whether MassHealth correctly denied Appellant's application for benefits due to a determination that Appellant did not meet program residency requirements to qualify for enrollment.

As a "universal condition of eligibility," MassHealth requires that all applicants and members be a "resident of the Commonwealth of Massachusetts" and that they must "intend to reside in the Commonwealth with or without a fixed address..." See 130 CMR 503.002.

Based on the evidence presented at hearing, MassHealth did not err in denying Appellant's application for MassHealth benefits. The evidence indicates that on his application, Appellant answered affirmatively that, despite having a Massachusetts address, he did not intend to reside in the state permanently. At hearing, the MassHealth representative affirmed that this was indeed the answer recorded on Appellant's application. While Appellant may have answered this question in error, he did not demonstrate that MassHealth erred in generating the August 10<sup>th</sup> denial. Using all the information Appellant had provided, MassHealth correctly determined that Appellant did not meet the universal eligibility requirements for enrollment in the MassHealth program. The August 10<sup>th</sup> decision was not made in error. Appellant may contact MassHealth at any time to correct any information previously reported, as well as to provide updated eligibility information, such as changes to income and/or household size.<sup>3</sup>

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<sup>3</sup> It is also noted that even if Appellant did meet all residency requirements, his application would still have been

This appeal is DENIED.

## **Order for MassHealth**

None.

## **Notification of Your Right to Appeal to Court**

If you disagree with this decision, you have the right to appeal to Court in accordance with Chapter 30A of the Massachusetts General Laws. To appeal, you must file a complaint with the Superior Court for the county where you reside, or Suffolk County Superior Court, within 30 days of your receipt of this decision.

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Casey Groff  
Hearing Officer  
Board of Hearings

cc: Sylvia Tiar, Tewksbury MassHealth Enrollment Center

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denied as his reported household income exceeded program limits.