

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2178962
Decision Date:	02/11/2022	Hearing Date:	January 10, 2022
Hearing Officer:	Stanley M. Kallianidis	Record Open Date:	January 24, 2022

Appellant Representative:



MassHealth Representative:

Keisha McMullen, Springfield



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, 6th Floor
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Approved	Issue:	Verifications
Decision Date:	02/11/2022	Hearing Date:	January 10, 2022
MassHealth Rep.:	Keisha McMullen	Appellant Representative:	

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 October 29, 2021, MassHealth denied the appellant's application for MassHealth benefits because MassHealth determined that the verification process had not yet been completed (see 130 CMR 515.008 and Exhibit 1). The appellant filed this appeal in a timely manner on November 24, 2021 (see 130 CMR 610.015 and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032). The appeal was originally dismissed by the BOH due to the lack of an authorized representative. It was reinstated following the submission of a Power of Attorney for the appellant (Exhibits 3 & 4).

Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth benefits.

Issue

Pursuant to 130 CMR 610.071, has the appellant provided MassHealth with the requested verifications as of the close of the hearing record so as to be entitled to a re-determination of benefits?

Summary of Evidence

The MassHealth representative testified that the appellant's September 9, 2021 application was denied due to a failure to provide timely verifications (Exhibit 5). A verification request was sent out to the appellant. The verifications were not submitted, and a Notice of Denial was issued on October 29, 2021 (Exhibit 1). The missing verifications at issue were the appellant's two annuity contracts from New York Life (Exhibit 5).

The record was left open for two weeks during which time the appellant's representative submitted the requested verifications. The MassHealth representative indicated that she was now able to preserve the application date, but that she had additional questions and was sending out a new verifications request (Exhibits 6 & 7).

Findings of Fact

Based on a preponderance of the evidence, I find:

1. The appellant applied for MassHealth on September 9, 2021 (Exhibit 5).
2. The appellant's application was denied due to a failure to provide verifications (Exhibit 1).
3. The missing verifications at issue were the appellant's two annuity contracts from New York Life (Exhibit 5).
4. The appellant's representative submitted the requested verifications during the record-open period (Exhibits 6 & 7).
5. Following the appellant's record-open submission, the MassHealth representative had additional questions and was sending out a new verifications request (Exhibits 6 & 7).

Analysis and Conclusions of Law

The applicant or member must cooperate with MassHealth in providing information necessary to establish and maintain eligibility and must comply with all the rules and regulations of the MassHealth program including recovery (130 CMR 515.008(A)). If the requested information is not received, MassHealth benefits may be denied (130 CMR 516.001).

130 CMR 610.071 provides that evidence submitted at the hearing shall not be excluded. The date of eligibility is the date when the conditions of eligibility have been met, regardless of when the evidence was provided.

In the instant appeal, I have found that the appellant applied for MassHealth on September 9, 2021. The appellant's application was denied due to a failure to provide verifications. The missing verifications at issue were the appellant's two annuity contracts from New York Life. The appellant's representative submitted the requested verifications during the record-open period.

Following the appellant's record-open submission, the MassHealth representative had additional questions and was sending out a new verifications request.

Based upon the regulation cited above, and where the appellant provided MassHealth with the requested information, notwithstanding that MassHealth is requesting additional information, the appellant is entitled to a reopening of her original application and a re-determination of eligibility.

The appeal is therefore approved.

Order for MassHealth

Reopen September 9, 2021 application and determine appellant's eligibility for MassHealth.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this notice, you should contact your local office. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings at the address on the first page of this decision.

Stanley M. Kallianidis
Hearing Officer
Board of Hearings

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