

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**

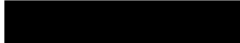


<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2200020
<b>Decision Date:</b>	03//11/2022	<b>Hearing Date:</b>	01/28/2022
<b>Hearing Officer:</b>	Christopher Jones		

**Appearance for Appellant:**  
Pro se

**Appearance for MassHealth:**  
Michelle Trainor – Tewksbury Ongoing

**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>	Traditional – Community Eligibility
<b>Decision Date:</b>	03/11/2022	<b>Hearing Date:</b>	01/28/2022
<b>MassHealth’s Rep.:</b>	Michelle Trainor	<b>Appellant’s Rep.:</b>	Pro se
<b>Hearing Location:</b>	Remote	<b>Aid Pending:</b>	No

## 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 December 27, 2021, MassHealth approved the appellant for MassHealth Senior Buy-in benefits. He was not eligible for Standard because his income was too high. Exhibit 2. The appellant filed this appeal in a timely manner on December 31, 2021. Exhibit 3; 130 CMR 610.015(B). Denial of assistance is valid grounds for appeal. 130 CMR 610.032.

## Action Taken by MassHealth

MassHealth approved the appellant for MassHealth Senior Buy-in.

## Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 519.000, 520.000, in determining that the appellant was eligible for Senior Buy-in benefits as of January 1, 2022.

## Summary of Evidence

The appellant is over the age of 65 and has a household size of one. The appellant applied on September 3, 2021. On October 5, 2021 MassHealth requested the appellant verify his current assets, and those verified assets were processed on December 27, 2021. The submitted verifications reflected assets in September 2021 in the amount of just over \$5,000. For income, the appellant’s

receives gross Social Security benefits in the amount of \$1,273. The federal poverty level for an individual is \$1,074 per month, therefore the appellant's income was equivalent to 118% of the federal poverty level.

MassHealth approved the appellant for the Senior Buy-in program as of January 1, 2022. This benefit covers the appellant's Medicare Part A and B premiums. It also provides some additional coverage for deductibles and coinsurance under Medicare Parts A and B. MassHealth's representative explained that MassHealth Standard coverage requires assets below \$2,000 and income below 100% of the federal poverty level.

The appellant responded that he needs glasses and dentures. MassHealth's representative suggested that he contact Medicare regarding supplemental plans for dental and vision coverage. The appellant was very frustrated by his previous efforts to communicate with Medicare and Social Security. He explained that he was told by Medicare that they do not offer supplemental plans, and that he needed to apply to Massachusetts to get my Medicare premiums covered. He felt that he was being passed between agencies and he just wanted all the government agencies to simply talk to each other. MassHealth's representative explained that he was approved for that benefit that helps pay for the Medicare premiums, but there is usually a three month delay between MassHealth informing Medicare that the benefit exists and those premiums showing up in the appellant's Social Security payments.

MassHealth's representative confirmed that the January, February, and March Medicare premiums should show up in the appellant's April Social Security benefit. Thereafter, he will not have the premiums deducted at all. The appellant was very frustrated with the way in which federal and state benefits were structured to put such a large burden on elderly individuals to navigate a complicated process between different government agencies. He did not disagree with any of the facts MassHealth relied upon in making its decision.

## **Findings of Fact**

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

1. The appellant has an individual household and he is over the age of 65. His monthly gross income of \$1,273 comes from Social Security. Testimony by MassHealth's representative.
2. The federal poverty level is \$1,074 per month. The appellant's income puts him at 118% of the federal poverty level. Testimony by MassHealth's representative.
3. MassHealth approved the appellant for the Senior Buy-in benefit on December 27, 2021. Exhibit 2.

## **Analysis and Conclusions of Law**

MassHealth benefits are determined by looking at categorical and financial eligibility factors. Individuals over 65 are categorically eligible for MassHealth benefits. See 130 CMR 519.000. The

benefit for which they qualify is then determined by their income and assets. Community residents at or under the federal poverty level, with less than \$2,000 in assets, would be eligible for the MassHealth Standard benefit. 130 CMR 519.005. Long-term-care residents, people who would be institutionalized, or people who need physical assistance in their homes may be eligible for MassHealth Standard with income above 100% of the federal poverty level. See 130 CMR 519.006-519.007; 520.013.

Otherwise, individuals over 100% of the federal poverty level, but below 130%, are eligible for the Senior Buy-in benefit. 130 CMR 519.010(A). Under this benefit, MassHealth “pays for Medicare Part A and Part B premiums and for deductibles and coinsurance under Medicare Parts A and B ... .” 130 CMR 519.010(B). These benefits will begin as of “the first day of the calendar month following the date of the MassHealth eligibility determination.” 130 CMR 519.010(C).

The appellant has not raised any dispute with MassHealth’s decision. He was very frustrated by the process of navigating eligibility between various state and federal benefits and by the benefits available. Therefore, 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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Christopher Jones  
Hearing Officer  
Board of Hearings

cc: MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957