

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved in part; Denied in part	Appeal Number:	2200644
Decision Date:	3/29/2022	Hearing Date:	02/22/2022
Hearing Officer:	Alexandra Shube		

Appearance for Appellant:
Pro se




Appearance for MassHealth:
Emily Lacorazza, Tewksbury MEC



*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

Appeal Decision:	Approved in part; Denied in part	Issue:	Eligibility – Income
Decision Date:	3/29/2022	Hearing Date:	02/22/2022
MassHealth's Rep.:	Emily Lacorazza	Appellant's Rep.:	 Pro se
Hearing Location:	Tewksbury MassHealth Enrollment Center	Aid Pending:	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 January 4, 2022, MassHealth notified the appellant that she is not eligible for MassHealth benefits because she has more countable income than MassHealth benefits allow (see 130 CMR 520.002 and Exhibit 1). The appellant filed this appeal in a timely manner on January 27, 2022 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant MassHealth benefits.

Issue

The appeal issue is whether MassHealth correctly determined that the appellant is not eligible for MassHealth benefits.

Summary of Evidence

The MassHealth representative testified that the appellant completed a renewal in February 2021 and was initially found eligible for MassHealth Standard; however, on January 1, 2022, the appellant's Social Security Income (SSI) was updated which put her over the allowable income limit for MassHealth Standard and prompted the denial notice on January 4, 2022. As of January 1, 2022, the appellant has a gross monthly income of \$1,150, comprised of SSI. The appellant is over the age of 65 with a household size of one. The MassHealth representative explained that for a household size of one, the limit for MassHealth benefits is \$1,074, or 100% of the Federal Poverty Level (FPL). There is a \$20 disregard, which would put the appellant's countable income at \$1,130, which is still over the allowable limit.

The appellant testified that in 2021, her SSI was \$1,086 and she still qualified for MassHealth Standard. She confirmed that her SSI as of January 2022 was \$1,150.

The MassHealth representative explained that with the \$20 disregard, her countable income in 2021 was \$1,066, which put her under 100% of the FPL, until the yearly SSI update. She stated that the appellant currently qualifies for the Senior Buy-In which pays for her Medicare Part B premium. She also explained the Frail Elder Waiver program to the appellant. The MassHealth representative noted that the FPL guidelines are updated by MassHealth every year in March and the appellant could check with MassHealth at that time to see if her income would fall within the new guidelines.

Findings of Fact

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

1. The appellant is over the age of 65 and has a household size of one (Testimony).
2. The appellant's most recently verified gross monthly income is \$1,150 from SSI (Testimony).
3. The appellant's countable income is \$1,130 due to the \$20 disregard (Testimony).
4. At the time of the notice on January 4, 2022 and hearing on February 22, 2022, the limit for MassHealth benefits was 100% of the FPL, or \$1,074 for a household of one (Testimony).
5. MassHealth updates its FPL guideline every year in March (Testimony).
6. As of March 1, 2022, 100% of the FPL for a household of one is \$1,133 monthly.¹

¹ See 2022 MassHealth Income Standards and Federal Poverty Guidelines, <https://www.mass.gov/doc/2022-masshealth-income-standards-and-federal-poverty-guidelines-0/download>

Analysis and Conclusions of Law

The relevant regulation is 130 CMR 519.005, which states the following for community residents 65 years of age and older:

(A) Eligibility Requirements. Except as provided in 130 CMR 519.005(C), noninstitutionalized individuals 65 years of age and older may establish eligibility for MassHealth Standard coverage provided they meet the following requirements:

- (1) **the countable-income amount, as defined in 130 CMR 520.009: *Countable-Income Amount*, of the individual or couple is less than or equal to 100 percent of the federal poverty level; and**
- (2) the countable assets of an individual are \$2,000 or less, and those of a married couple living together are \$3,000 or less.

(Emphasis added).

Additionally, 130 CMR 520.013 provides for certain deductions from total gross unearned income, including the \$20 disregard.

As explained above, the countable income of an individual who is over the age of 65 must be equal to or less than 100% of the FPL. At the time of the January 4, 2022 notice and hearing on February 22, 2022, 100% of the FPL for a household of one was \$1,074. The appellant's gross monthly income is \$1,150 and countable income, \$1,130, putting her over the allowable income limit. For these reasons, at the time of the notice and hearing, the MassHealth determination was correct; however, MassHealth updates its FPL guidelines every March. Beginning March 1, 2022, 100% of the FPL for a household of one is \$1,133, which puts the appellant within the allowable income limit to qualify for MassHealth Standard as of that date.

For these reasons, the appeal is approved in part and denied in part.

Order for MassHealth

Approve the appellant for MassHealth Standard benefit retroactive to March 1, 2022.

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.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. 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.

Alexandra Shube
Hearing Officer
Board of Hearings

cc:

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