

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: DENIED

Appeal Number: 2201568

Decision Date: 5/26/2022

Hearing Date: 03/31/2022

Hearing Officer: Kenneth Brodzinski

Appearance for Appellant:

Pro se

Appearance for MassHealth:

Sherri Paiva – Taunton 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:	DENIED	Issue:	Financial Eligibility
Decision Date:	5/26/2022	Hearing Date:	03/31/2022
MassHealth's Rep.:	Sherri Paiva	Appellant's Rep.:	Pro se
Hearing Location:	Taunton MEC		

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 February 7, 2022, MassHealth determined that Appellant is not eligible for MassHealth Standard (Exhibit A). Appellant filed for an appeal in a timely manner on February 28, 2022 (see 130 CMR 610.015(B) and Exhibit A). Negative eligibility determinations constitute valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined that Appellant is not eligible for MassHealth Standard.

Issue

The appeal issue is whether MassHealth properly applied the controlling regulation(s) to accurate facts when it MassHealth determined that Appellant is not eligible for MassHealth Standard.

Summary of Evidence

The MassHealth representative testified that Appellant had been receiving benefits as a member of her mother's household until she applied via telephone on her own on February 7, 2022. Appellant's gross countable household income for her household size of one was determined to be 197.83% of the Federal Poverty Level (FPL). Accordingly, Appellant's income exceeds the eligibility limit of 133% FPL for MassHealth Standard, but her income is below the limit for eligibility for a Connector Plan. According to MassHealth systems, in the later part of March 2022, Appellant chose and enrolled in a Connector Plan which will become effective on May 1, 2022. The MassHealth representative noted that if Appellant had chosen a Connector Plan in early February 2022 when she received the notice, her coverage would have commenced earlier on March 1, 2022, but for some reason, Appellant waited to enroll. Appellant stated that she filed the appeal instead of enrolling right away.

Appellant testified that in 2020 she moved out of her mother's home and called MassHealth to report this and provide the agency with her new address. Appellant understood that her mother had contacted MassHealth at some point and then Appellant was "randomly" terminated from MassHealth while she was receiving treatment for "some issues" she was dealing with. Appellant testified that she then called MassHealth and made her own Application and was determined eligible for the Connector Plan. Appellant further testified that her income is now about \$900.00 bi-weekly as she works part time.

The MassHealth representative said she would enter the new income amount of \$900.00 into the system which should lower her monthly premium for her Connector Plan. She also explained that the current \$900.00 bi-weekly still exceeded the limit for the Care Plus that she had been receiving while a part of her mother's household. The MassHealth representative also explained that the system may send Appellant a written request seeking to verify the newly reported income.

Appellant asked why she was never taken off her mother's case and stated she felt it was unfair to have suddenly terminated her benefits when she had reported to the agency that she had moved in 2020.

In response, the MassHealth representative testified there is no record of Appellant ever contacting MassHealth to remove her from her mother's household. That change occurred only after Appellant's mother filed a renewal form in January 2022 which indicated that Appellant was no longer in her household.

The MassHealth representative and the hearing officer tried to explain that if there was any failure by MassHealth to remove her from her mother's household (assuming she had in fact contacted MassHealth in 2020 to report her move) such only benefited Appellant by keeping her on the higher level of coverage of Care Plus that she enjoyed while being reported under her mother's household. Appellant did not agree and grew agitated.

Ultimately, she started to swear at the hearing officer and abruptly hung up the phone.

Findings of Fact

Based on a preponderance of the evidence, this record supports the following findings:

1. Appellant had been receiving health coverage benefits as a member of her mother's household until January 2022.
2. Appellant's mother filed a renewal form with MassHealth in January 2022 in which she indicated that Appellant was no longer in the mother's household and Appellant's benefits terminated.
3. MassHealth has no record of Appellant ever contacting MassHealth to remove herself from her mother's household.
4. Appellant applied for MassHealth benefits via telephone on her own on February 7, 2022.
5. At the time Appellant applied, Appellant's gross countable household income for her household size of one was determined to be 197.83% of the Federal Poverty Level (FPL).
6. On February 7, 2022, MassHealth determined that Appellant is eligible to choose and enroll in a Connector Plan.
7. In late March 2022, Appellant chose and enrolled in a Connector Plan which will become effective on May 1, 2022.
8. If Appellant had chosen a Connector Plan in early February 2022 when she received the eligibility notice, her coverage would have commenced earlier on March 1, 2022.
9. At hearing, MassHealth adjusted Appellant's income based on Appellant's verbal statement that her income is now about \$900.00 bi-weekly as she works part time.

Analysis and Conclusions of Law

"The burden of proof is on the appealing party to show that the order appealed from is invalid, and we have observed that this burden is heavy" (*Massachusetts Inst. of Tech. v. Department of Pub. Utils.*, 425 Mass. 856, 867, 684 N.E.2d 585 (1997)).

Appellant has not met her burden. Appellant did not assert that she was entitled to any coverage other than what MassHealth determined on February 7, 2022 – that Appellant

was eligible at that time to enroll in a Connector Plan.

Appellant did not support her claim that she should have been removed from her mother's case in 2020 instead of January 2022 when her mother notified MassHealth that Appellant was no longer residing in the mother's home. MassHealth has no record of Appellant contacting the agency to report such a change. Appellant provided no evidence to support her claim. If Appellant had reported such a change, then her mother's case would have been reviewed and redetermined at that time and Appellant would have been receiving MassHealth notices for the past two years at her own address. Appellant provided no evidence that either of these things occurred over the past two years.

Appellant chose to wait to enroll with a Connector Plan thereby delaying coverage. Appellant's assertion that she waited to enroll due to the appeal does not comport with the fact that she ultimately filed before the date of hearing. The appeal in no way prevented Appellant from enrolling as soon as she received the eligibility notice in early February 2022.

At hearing, MassHealth accepted Appellant's self-reported change in income which should lower her Connector Plan premium. This income may need to be verified in the future.

On this record, there is no basis in fact or law to disturb the subject MassHealth determination. The 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.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center,
21 Spring St., Ste. 4, Taunton, MA 02780, 508-828-4616