

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2203176
<b>Decision Date:</b>	6/16/2022	<b>Hearing Date:</b>	06/01/2022
<b>Hearing Officer:</b>	Christopher Jones		

**Appearance for Appellant:**  
Pro se

**Appearance for MassHealth:**  
Stephen Diaz – Tewksbury HCR



*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>	Dismissed	<b>Issue:</b>	HCR – Renewal
<b>Decision Date:</b>	6/16/2022	<b>Hearing Date:</b>	06/01/2022
<b>MassHealth’s Rep.:</b>	Stephen Diaz	<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 April 19, 2022, MassHealth informed the appellant that his application for MassHealth benefits was missing critical data and could not be processed. (Exhibit 2; 130 CMR 502.001.) The appellant filed this appeal in a timely manner on April 27, 2022. (Exhibit 3; 130 CMR 610.015(B)). MassHealth decisions regarding an application are appealable.<sup>1</sup> (130 CMR 610.032.)

## Action Taken by MassHealth

MassHealth informed the appellant that it was unable to process his application for MassHealth because he did not provide a completed application.

## Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 502.001, in determining that the appellant did not provide a complete application.

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<sup>1</sup> Technically, the notice issued by MassHealth was that the appellant had not filed a complete application. It is unclear why appeal rights were afforded to the appellant when MassHealth’s determination was that it had not received an application. (See 130 CMR 502.001(A)(4).)

## Summary of Evidence

MassHealth's representative was unable to find a copy of the appealed notice in MassHealth's computer system. He testified that the appellant had recently renewed his eligibility, verifying zero income. Furthermore, the appellant's benefits are protected and will not be terminated based on income during the Federal Public Health Emergency.

The appellant was very upset regarding Massachusetts's minimum wage law. He testified that he does have income, but that all of his income is taken up in paying his bills. He felt that he was disabled due to how little he is paid combined with how expensive it is to live in Massachusetts.

When the appellant was asked to wait for a moment for MassHealth to clarify whether there had been an appealable action and to confirm that his coverage was not being affected, he swore repeatedly and hung up on the telephonic hearing.

## Findings of Fact

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

1. The appellant submitted an incomplete renewal application attesting to zero income. This renewal was initially deemed incomplete. (Testimony by MassHealth's representative; Exhibit 2.)
2. The appellant's MassHealth benefits remain in effect with no change in coverage due to the Federal Public Health Emergency. (Testimony by MassHealth's representative.)
3. The appellant's main concern was regarding the commonwealth's minimum wage law. (Testimony by the appellant.)

## Analysis and Conclusions of Law

As there was never an issue in dispute that warranted a fair hearing, this appeal is DISMISSED pursuant to 130 CMR 610.035(A)(4). Further, the appellant's sole contention arose from Massachusetts wage laws, which are outside the jurisdiction of the Board of Hearings. (See 130 CMR 610.035(A)(5).) MassHealth's representative also confirmed that no change has been made to the appellant's coverage and he continues to be covered by MassHealth Standard benefits. Therefore, no issue remains in dispute for this appeal to resolved. (130 CMR 610.035(8).)<sup>2</sup>

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<sup>2</sup> The appellant hung up before the hearing was able to identify an appealable action or dispute between the appellant and MassHealth. If the appeal were not dismissed for the foregoing reasons, an Order to Show Cause would be issued asking why the matter should not be dismissed for failing to prosecute the claim. (See 130 CMR 610.049.)

## **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