

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2204139
Decision Date:	8/2/2022	Hearing Date:	07/08/2022
Hearing Officer:	Alexis Demirjian	Record Open to:	07/29/2022

Appearance for Appellant:



Appearance for MassHealth:

Cassandra Moura



*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:	Missing Verifications
Decision Date:	8/2/2022	Hearing Date:	07/08/2022
MassHealth's Rep.:	Cassandra Moura	Appellant's Rep.:	
Hearing Location:	Taunton MassHealth Enrollment Center Room 3	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 May 4, 2022, MassHealth denied the appellant's application for MassHealth benefits because he did not submit the information it needed to decide his eligibility within the required time frame. (see 130 CMR 515.008 and Exhibit 1). The appellant filed this appeal in a timely manner on June 1, 2022 (see 130 CMR 610.015(B) and Exhibit 2). Denial of an application or request for assistance, or the right to apply or reapply for such assistance is valid grounds for appeal (see 130 CMR 610.032 (A)(1)).

Action Taken by MassHealth

MassHealth notified Appellant that he is not eligible for MassHealth benefits because he did not submit the information it needed to decide his eligibility for within the required time frame.

Issue

Whether MassHealth was correct in denying Appellant's application for MassHealth benefits?

Summary of Evidence

A MassHealth representative appeared at the hearing and testified as follows: On March 2, 2022, MassHealth received a long-term care application on behalf of Appellant. On March 16, 2022, MassHealth sent a request for information. On May 4, 2022, MassHealth denied the application for failure to provide all the requested verifications. As of the date of the hearing, the remaining missing verifications were proof of the appellant's divorce and bank statements from Bank Account A for the period of January 2021 through July 2022.

Appellant's representative appeared at the hearing by telephone and stated that he has had no cooperation with Appellant's family, thus the Appellant's representative requested additional time to try to obtain the missing verifications. Pursuant to Appellant's request, the record was left open until July 22, 2022, for Appellant to produce the missing verifications and until July 29, 2022, for MassHealth to respond.

On July 25, 2022, the MassHealth representative indicated that she had not received the outstanding verifications.¹

Findings of Fact

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

1. On March 2, 2022, Appellant filed an application for MassHealth long-term-care benefits. (Testimony; Exhibit 4).
2. On March 16, 2022, MassHealth sent the Appellant a request for information, specifically the Appellant was asked to provide proof of divorce and statements for Bank Account A.
3. Mass Health requested the verifications be submitted by April 15, 2022. (Testimony; Exhibit 4)
4. The Appellant failed to submit the verifications on or before April 15, 2022. (Testimony, Exhibit 4).
5. On May 4, 2022, MassHealth denied Appellant's long-term care application for failure to provide all the requested verifications. (Testimony; Exhibit 1).
6. As of the date of the hearing, MassHealth had still not received the Appellant's bank statements or proof of divorce. (Testimony).
7. The record was left open until July 22, 2022, for Appellant to produce the missing verifications and until July 29, 2022, for MassHealth to respond. (Exhibit 5).

¹ The Appellant's representative was included on MassHealth's email. The Appellant representative did not respond to MassHealth's email, nor did he submit a request for an extension of the Record Open Period.

8. On July 29, 2022, the MassHealth representative indicated that she had not received the documents related to the outstanding verification request and reaffirmed their denial of the application. (Exhibit 6).

Analysis and Conclusions of Law

Once an application for MassHealth long-term-care benefits has been submitted, the MassHealth agency requests all corroborative information necessary to determine eligibility. See 130 CMR 516.001. 130 CMR 516.001(B) provides the following with respect to corroborative information:

- (1) The MassHealth agency sends the applicant written notification requesting the corroborative information generally within five days of receipt of the application.
- (2) The notice advises the applicant that the requested information must be received within 30 days of the date of the request, and of the consequences of failure to provide the information.

130 CMR 516.001(C) sets forth the process regarding the receipt of corroborative information, and provides as follows:

If the requested information, with the exception of verification of citizenship, identity, and immigration status, is received within 30 days of the date of the request, the application is considered complete. The MassHealth agency will determine the coverage type providing the most comprehensive medical benefits for which the applicant is eligible. If such information is not received within 30 days of the date of the request, MassHealth benefits may be denied.

In the present case, Appellant was granted a post-hearing record open period to produce the outstanding information. Despite the additional time, Appellant did not submit the required documentation related to proof of divorce and Bank Account A. Therefore, the action taken by MassHealth was within the regulations. See 130 CMR 516.001.

Accordingly, 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.

Alexis Demirjian
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

Appellant Representative: [REDACTED]