

# Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:

[REDACTED]  
[REDACTED]  
[REDACTED]

<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2206006
<b>Decision Date:</b>	10/24/2022	<b>Hearing Date:</b>	09/23/2022
<b>Hearing Officer:</b>	Scott Bernard	<b>Record Open to:</b>	10/19/2022

**Appearance for Appellant:**

*Pro se via telephone*

**Appearance for MassHealth:**

Elizabeth Nickoson (Taunton MEC) *via*  
telephone

**Interpreter:**

[REDACTED]



*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>	Health Care Reform – Incomplete Application
<b>Decision Date:</b>	10/24/2022	<b>Hearing Date:</b>	09/23/2022
<b>MassHealth's Rep.:</b>	Elizabeth Nickoson	<b>Appellant's Rep.:</b>	<i>Pro se</i>
<b>Hearing Location:</b>	Taunton MassHealth Enrollment Center		

## 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 June 29, 2022, MassHealth informed the appellant that it was unable to process her application because she did not give MassHealth all the information requested. (See 130 CMR 502.001 and Exhibit (Ex.) 1; Ex. 2, p. 2). The appellant filed this appeal in a timely manner on August 10, 2022 (See 130 CMR 610.015(B); EOM 22-10; and Ex. 2). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032).

The record was left open until October 19, 2022 to allow the appellant an opportunity to submit the requested information after which the record closed.

## Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth benefits.

## Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 502.001, in determining that the application was incomplete.

## Summary of Evidence

The appellant is an individual under the age of 65. (Ex. 3). The appellant had received MassHealth Limited coverage continuously since November 14, 2018. (Ex. 3). The MassHealth representative testified that MassHealth received the appellant's renewal application on June 3, 2022. She stated that it was missing the appellant's signature, however. For that reason, MassHealth could not process the renewal and issued the notice dated June 29, 2022. (Ex. 1; Ex. 2, p. 2).

The appellant stated that the day she received the June 29 notice, she contacted MassHealth, which sent her another application. The appellant stated that she mailed this second application to the MassHealth post office box address. The MassHealth representative, who stated that she was searching MassHealth's database, was not able to find any indication that MassHealth had received that application. The appellant stated that she would be willing to submit the application again. The MassHealth representative stated that she would send the appellant another application. The MassHealth representative stated that the appellant could do so by computer, fax, or by hand delivering it to the MassHealth Enrollment Center (MEC). The appellant stated that she felt most comfortable doing so by mail. The MassHealth representative gave the appellant her contact information at the MassHealth Enrollment Center at which point the hearing closed.

On October 19, 2022, the hearing officer contacted the MassHealth representative by email and asked whether the appellant had submitted the requested signature since the date of the hearing. (Ex. 5). The MassHealth representative responded stating that she never received anything. (Ex. 5). The MassHealth representative stated that she also checked both the Health Insurance Exchange (HIX) and her workspace, and there was no signature page. (Ex. 5).

## Findings of Fact

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

1. The appellant is an individual under the age of 65. (Ex. 3).
2. The appellant had received MassHealth Limited coverage continuously since November 14, 2018. (Ex. 3).
3. MassHealth received the appellant's renewal application on June 3, 2022 but it was missing the appellant's signature. (Testimony of the MassHealth representative).
4. On June 29, 2022 MassHealth issued a notice stating that it was unable to process the appellant's application because she did not give MassHealth all the information requested. (Ex. 1; Ex. 2, p. 2).
5. The appellant stated that after receiving the notice she did submit another application by mail, which was addressed to a post office box. (Testimony of the appellant).
6. The appellant stated that she would be willing to mail another copy directly to the MassHealth representative. (Testimony of the appellant).

7. On October 19, 2022, the MassHealth representative informed the hearing officer by email that she did not receive the signature page. (Ex. 5).

## **Analysis and Conclusions of Law**

To apply for MassHealth, an individual or his or her authorized representative must file an application online at [www.MAHealthConnector.org](http://www.MAHealthConnector.org), complete a paper application, complete a telephone application, or apply in person at a MassHealth Enrollment Center (MEC). (130 CMR 502.001(A)). If a paper application is received at a MEC or a MassHealth outreach site and the application is unsigned, MassHealth is unable to determine the applicant's eligibility for MassHealth. (130 CMR 502.001(A)(4)(a)). MassHealth requests responses to all of the unanswered questions necessary to determine eligibility. (130 CMR 502.001(A)(4)(b)). MassHealth must receive such information within 15 days of the date of the request for the information. (Id.). If responses to all unanswered questions necessary for determining eligibility are not received within the 15-day period MassHealth notifies the applicant that it is unable to determine eligibility for medical benefits. (130 CMR 502.001(A)(4)(d)).

The record does not demonstrate that the appellant has submitted the required information necessary for MassHealth to process her appeal. The record shows that the appellant submitted a renewal application but did not sign the renewal application. Without a signed application, MassHealth is unable to determine the appellant's eligibility for MassHealth. Technically, MassHealth should have sent a request to the appellant asking that she submit the signature page within 15 days before issuing the notice under appeal. As such, there is no evidence that MassHealth did this. Nonetheless, the appellant was given a further chance after the hearing to submit the page with her signature to MassHealth. 27 days elapsed after the hearing. On the 27<sup>th</sup> day, the hearing officer asked the MassHealth representative by email whether she received the requested signature page. The MassHealth representative stated that she did not. As of this date, without the signature, MassHealth continues to be unable to determine the appellant's eligibility for MassHealth.

For the above stated reasons, 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.

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Scott Bernard  
Hearing Officer  
Board of Hearings

cc:

Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780