

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2206347
Decision Date:	10/20/2022	Hearing Date:	09/21/2022
Hearing Officer:	Rebecca Brochstein		

Appearances for Appellant:



Appearances for MassHealth:

Margaret Anoje, Springfield MEC



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Dismissed	Issue:	Eligibility
Decision Date:	10/20/2022	Hearing Date:	09/21/2022
MassHealth's Rep.:	Margaret Anoje, Springfield MEC	Appellant's Rep.:	Pro Se
Hearing Location:	Board of Hearing (Remote)		

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder. The appeal pertained to MassHealth's notice dated July 19, 2022, denying the appellant for MassHealth benefits for failure to provide proof of residency within the required time frame. See Exhibit 1. The appellant filed a timely appeal on August 24, 2022. See Exhibit 2.

The Board of Hearings scheduled a telephonic hearing for September 21, 2022. At the time of the hearing, the hearing officer called the appellant and the MassHealth caseworker. The appellant answered the phone but indicated he did not know anything about the appeal, and, shortly after the hearing began, he refused to proceed any further. On October 7, 2022, the Board of Hearings issued an Order to Show Cause, directing the appellant to show cause why the appeal should not be dismissed for lack of prosecution. See Exhibit 4. The appellant was given ten days from the date of the order to file a response, but he did not submit anything.

Under 130 CMR 610.049, the Board of Hearings may dismiss an appeal for failure to prosecute as follows:

When the record discloses the failure of the appellant to file documents required by 130 CMR 610.000, to respond to notices or correspondence, or to comply with orders, or when the appellant otherwise indicates an intention not to continue with the prosecution of his or her appeal, BOH may issue an order requiring the appellant to show cause why the matter should not be dismissed for lack of prosecution. The BOH Director will make the show cause determination; however, in cases where the hearing has been scheduled and a hearing officer has been designated to conduct the hearing, the hearing officer will make the determination. If the appellant is found to have failed to show such cause, the appeal will be dismissed with prejudice.

In this case, the appellant refused to participate in the September 21 hearing and did not respond to the Order to Show Cause that was issued thereafter. Accordingly, he has indicated a clear intention not to continue with the prosecution of his appeal. This appeal is therefore dismissed with prejudice.

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.

Rebecca Brochstein
Hearing Officer
Board of Hearings

cc: Springfield MEC