

# Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2209539
<b>Decision Date:</b>	2/14/2023	<b>Hearing Date:</b>	01/26/2023
<b>Hearing Officer:</b>	Scott Bernard	<b>Record Open to:</b>	02/06/2023

**Appearance for Appellant:**  
*Pro se via telephone*

**Appearance for MassHealth:**  
Yassory Peña *via telephone*

**Interpreter:**  
Haitian Creole



*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 – Reapplication at 65
<b>Decision Date:</b>	2/14/2023	<b>Hearing Date:</b>	01/26/2023
<b>MassHealth's Rep.:</b>	Yassory Peña	<b>Appellant's Rep.:</b>	<i>Pro se</i>
<b>Hearing Location:</b>	Tewksbury 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 December 12, 2022, MassHealth informed the appellant she did not qualify for MassHealth because she was 65 years old or older and did not complete the correct application for individual 65 years old or older. (See 130 CMR 501.002(B) and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on December 23, 2022. (See 130 CMR 610.015(B) and Ex. 2). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032).

The record was left open until February 6, 2023 to give the appellant and opportunity to complete and submit a new application, at which time the record closed.

## Action Taken by MassHealth

MassHealth determined the appellant did not qualify for MassHealth because she was 65 years old or older and did not complete the correct application for an individual 65 years old or older

## Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 501.002, in determining that the appellant was 65 years old or older.

## Summary of Evidence

The appellant is an individual who is [REDACTED] (Ex. 3). The MassHealth representative testified that the appellant began receiving MassHealth because she was receiving the Emergency Assistance for Elders, Disabled, and Children benefit (EAEDC) through the Department of Transitional Assistance (DTA). (Ex. 3). MassHealth is provided as part of this cash benefit. The appellant began receiving EAEDC on October 19, 2022. (Ex. 3). On December 12, 2022, the appellant went on the Health Connector website and applied for MassHealth separately. The system denied the appellant because she was applying for MassHealth as a person under [REDACTED], when she was, in fact, over [REDACTED]. The MassHealth representative explained that once a person turns [REDACTED], they have to reapply for MassHealth because there are slightly different rules for individuals over [REDACTED]. The MassHealth representative stated that on January 12, 2023 she mailed the appellant an over-[REDACTED] application but MassHealth has not received this back.

The appellant acknowledged receiving the new application. She has spoken with someone who can help her complete the application. The MassHealth representative informed the appellant that if she has difficulty completing the application, she could contact MassHealth or go to a MassHealth Enrollment Center to receive assistance. The appellant requested time to complete and submit the application. The record was left open until February 6, 2023 for her to do so.

## Findings of Fact

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

1. The appellant is an individual who is [REDACTED] (Ex. 3).
2. The appellant began receiving EAEDC on October 19, 2022. (Testimony of the MassHealth representative; Ex. 3).
3. The appellant began receiving MassHealth because she was receiving EAEDC. (Testimony of the MassHealth representative; Ex. 3).
4. On December 12, 2022, the appellant went on the Health Connector website and applied for MassHealth separately. (Testimony of the MassHealth representative).
5. The system denied the appellant because she was applying for MassHealth as a person under [REDACTED], when she was, in fact, over [REDACTED]. (Testimony of the MassHealth representative).
6. Once a person turns 65, they have to reapply for MassHealth because there are slightly different rules for individuals over 65. (Testimony of the MassHealth representative).
7. Prior to the hearing, the MassHealth representative mailed the appellant an over-[REDACTED] application but MassHealth has not received this back. (Testimony of the MassHealth representative).
8. The appellant received the over-[REDACTED] application, which she would complete and submit by February 6, 2023. (Testimony of the appellant).

## Analysis and Conclusions of Law

MassHealth coverage is provided on a separate basis for individuals under the age of 65 and individuals over the age of 65. (See 130 CMR 501.002(B). The rules for MassHealth for those under the age of 65 are located at 130 CMR 501 – 508. Once an individual turns 65 years of age, the individual must apply for MassHealth coverage for those over the age of 65. (See 130 CMR 516.001 *et seq*). The record shows that the appellant began receiving MassHealth because she was receiving EAEDC. (See 130 CMR 450.106). The appellant applied for MassHealth separately. Because she was over the age of 65, MassHealth denied her application. As indicated above, once an individual turns 65, they submit a new and different application since the rules for individuals over 65 are different.

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:

Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957