

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2301444
Decision Date:	5/1/2023	Hearing Date:	03/23/2023
Hearing Officer:	Kimberly Scanlon		

Appearance for Appellant:

Via telephone



Pro se

Appearance for MassHealth:

Via telephone

Amaryllis Garcia



*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:	Dismissed	Issue:	Eligibility - residency
Decision Date:	5/1/2023	Hearing Date:	03/23/2023
MassHealth's Rep.:	Amaryllis Garcia	Appellant's Rep.:	Pro se
Hearing Location:	Springfield MassHealth Enrollment Center Room 1 (Remote)	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 February 3, 2023, MassHealth informed the Appellant that she does not qualify for coverage because she failed to submit proof of residency in a timely manner. The notice also specified that the Appellant's benefits would terminate on February 17, 2023. (130 CMR 503.002; Exhibit 1). The Appellant timely filed this appeal on February 14, 2023. (130 CMR 610.015(B); Exhibit 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined that the Appellant's benefits would be terminated for failure to submit proof of residency in a timely manner.

Issue

The appeal issue is whether MassHealth was correct in determining that the Appellant failed to submit proof of residency in a timely manner and terminating her benefits.

Summary of Evidence

The MassHealth representative appeared at the hearing by telephone and testified as follows: on February 3, 2023, MassHealth issued a notice stating that the Appellant does not qualify for MassHealth benefits because it was missing proof of residency. The notice specified that her benefits would terminate on February 17, 2023. (See, Exhibit 1). On February 17, 2023, MassHealth received a utility bill from the Appellant which satisfied proof of residency. (See, Exhibit 3). Upon receipt, a MassHealth representative spoke to the Appellant by telephone and explained that her coverage had been updated with a back start date of February 7, 2023.

The Appellant appeared at the hearing by telephone. She did not dispute the testimony given by the MassHealth representative and only made inquiry about whether she would receive a decision.

Findings of Fact

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

1. On February 3, 2023, MassHealth issued a notice stating that the Appellant does not qualify for MassHealth benefits because it was missing proof of residency. (Exhibit 1).
2. The notice specified that benefits would terminate on February 17, 2023. (Exhibit 1).
3. The Appellant timely appealed the notice on February 14, 2023. (Exhibit 2).
4. On February 17, 2023 MassHealth received a utility bill from the Appellant which satisfied proof of residency. (Testimony; Exhibit 3).
5. Upon receiving the Appellant's utility bill, MassHealth backdated coverage to February 7, 2023. (Testimony).

Analysis and Conclusions of Law

Pursuant to 130 CMR 503.001, MassHealth applicants and members must meet all of the requirements of 130 CMR 503.000 as a condition of eligibility. As a condition of eligibility, an applicant or member must be a resident of the Commonwealth of Massachusetts. (See, 130 CMR 503.002). Acceptable proof of Massachusetts residency includes the following, as well as any other verification allowed as determined by the MassHealth agency:

- (1) copy of deed and record of most recent mortgage payment (if mortgage is paid in full, provide a copy of property tax bill from the most recent year);
- (2) current utility bill or work order dated within the past 60 days;**
- (3) statement from a homeless shelter or homeless service provider;
- (4) school records (if school is private, additional documentation may be requested);
- (5) nursery school or daycare records (if school is private, additional documentation may be requested);
- (6) Section 8 agreement;

- (7) homeowner's insurance agreement;
- (8) proof of enrollment of custodial dependent in public school;
- (9) copy of lease and record of most recent paystub; or
- (10) affidavit supporting residency signed under pains and penalties of perjury that states the individual is not visiting Massachusetts for personal pleasure or to receive medical care in a setting other than a nursing facility.

(130 CMR 503.002(F); emphasis added).

The issue on appeal was whether the Appellant submitted proof of residency to MassHealth in a timely manner. At the hearing, the MassHealth representative verified that the Appellant submitted a utility bill to MassHealth which was received on February 17, 2023. The utility bill received satisfied proof of residency and the Appellant's coverage was updated with a back start date of February 10, 2023.

As the issue on appeal regarding proof of residency has been resolved, the appeal is dismissed.

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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104, 413-785-4186