

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2301855
<b>Decision Date:</b>	7/18/2023	<b>Hearing Date:</b>	04/06/2023
<b>Hearing Officer:</b>	David Jacobs		

**Appearances for Appellant:**



**Appearances for MassHealth:**

Ralph Hyacinthe, Quincy 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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Eligibility
<b>Decision Date:</b>	7/18/2023	<b>Hearing Date:</b>	04/06/2023
<b>MassHealth Rep.:</b>	Ralph Hyacinthe	<b>Appellant Rep.:</b>	Pro se
<b>Hearing Location:</b>	Board of Hearings (Remote)		

### 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 9, 2023, MassHealth notified the appellant that he is not eligible for MassHealth benefits because he did not provide proof in the time allowed (Exhibit 1). The appellant filed a timely appeal on March 6, 2023 (Exhibit 2). The denial of assistance is a valid ground for appeal (130 CMR 610.032(A)).

### Action Taken by MassHealth

MassHealth notified the appellant that he is not eligible for MassHealth benefits because he did not provide proof in the time allowed.

### Issue

The appeal issue is whether MassHealth was correct in determining that the appellant is not eligible for MassHealth benefits?

## **Summary of Evidence**

The MassHealth representative appeared at the hearing by telephone and testified in summary as follows: The appellant applied for MassHealth benefits on February 9, 2023. The appellant was denied on February 9, 2023 because he did not submit proof of income. The MassHealth representative stated that they need the appellant's full 2021 or 2022 tax return, including his Schedule 1, Schedule B, and Schedule D as proof of income.

The appellant representative appeared at hearing by telephone. She confirmed that the appellant did not submit his 2021 tax return because it was lost or destroyed and had not filed his 2022 taxes yet. The record was left open until April 20, 2023 for the appellant to submit the requested documents (Exhibit 6). On April 20, 2023, the appellant representative sent a letter stating that the appellant had requested his 2021 tax return but had not received it yet (Exhibit 7). Furthermore, he had filed his 2022 taxes and expected to receive them on June 30, 2023 (Exhibit 7). In response, the hearing officer left the record open until July 7, 2023 for the appellant to submit his tax returns (Exhibit 8). On July 10, 2023, it was reported that no documents had been received by the appellant (Exhibit 9). Because during the hearing it appeared the appellant relied on the regular mail to send documents, the hearing officer ordered that MassHealth wait until July 14, 2023 to see if any documents postmarked by July 7, 2023 were received (Exhibit 9). As of July 17, 2023, no documents have been received by MassHealth related to this appeal (Exhibit 10).

## **Findings of Fact**

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

1. On February 9, 2022, the appellant applied for MassHealth benefits.
2. On February 9, 2023, the appellant was denied because he did not supply MassHealth with proof of his income.
3. MassHealth requested that the appellant submit copies of his complete 2021 or 2022 tax returns, including his Schedule 1, Schedule B, and Schedule D.
4. The record was left open until April 20, 2023 for the appellant to submit the requested tax returns.
5. On April 20, 2023, the appellant representative sent a letter stating that the 2021 tax return had been requested but not received, and the 2022 taxes had been filed and expected to be received by June 30, 2023.
6. The record was left open until July 7, 2023 for the appellant to submit his tax documents.

7. On July 10, 2023, no documents had been submitted by the appellant.
8. The Hearing officer waited until July 14, 2023 to see if any documents were received by mail.
9. As of July 17, 2023, no documents have been submitted by the appellant in relation to this appeal.

## **Analysis and Conclusions of Law**

At issue in this case is MassHealth's determination that the appellant is not eligible for coverage because he has not provided proof of his income (Exhibit 1). The appellant has disputed this determination by requesting a hearing.

Per 130 CMR 501.010(A), an applicant or member must cooperate with the MassHealth agency in providing information necessary to establish and maintain eligibility. The MassHealth agency may request corroborative information necessary to maintain eligibility, including obtaining or maintaining available health insurance. The applicant or member must supply such information within 30 days of the receipt of the agency's request. If the member does not cooperate, MassHealth benefits may be terminated.

Here, MassHealth requested the appellant's 2021 or 2022 tax returns and despite a lengthy opportunity to submit this documentation before and after hearing, the appellant has not done so. Therefore, the appellant has not demonstrated that he is currently eligible for any MassHealth coverage type. The appellant has not demonstrated that MassHealth's determination was made in error.

This 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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David Jacobs  
Hearing Officer  
Board of Hearings

cc: Quincy MEC