

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2302612
Decision Date:	6/2/2023	Hearing Date:	05/1/2023
Hearing Officer:	David Jacobs		

Appearances for Appellant:
Pro se

Appearances for MassHealth:
Elizabeth Nickoson, Taunton MassHealth



***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:	Denied	Issue:	Eligibility
Decision Date:	6/2/2023	Hearing Date:	5/1/2023
MassHealth Rep.:	Elizabeth Nickoson	Appellant Rep.:	Pro se
Hearing Location:	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 7, 2023, MassHealth notified the appellant that she is not eligible for MassHealth benefits (Exhibit 1). The appellant filed a timely appeal on March 31, 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 she is not eligible for MassHealth benefits.

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 hearing by telephone and testified in summary as follows: The appellant is a household of one and applied for MassHealth Standard on October 31, 2022. The appellant was initially found eligible for coverage through the Massachusetts Health Connector, but not MassHealth, based on her income. The income MassHealth has on record for the appellant is \$425.00 a week in alimony and \$140.31 a month in income from interest and dividends, which is 158.11% of the FPL. On February 7, 2023 MassHealth's computer system updated the appellant's case and denied the application (Exhibit 1). The basis of the denial was that the appellant's income had "expired," and although MassHealth had requested that the appellant update and verify her income, she had not done so. The MassHealth representative stated that the appellant can update and verify her alimony income via court documents or a self-attested letter, and can verify her interest and dividend income with a copy of her 2022 or 2021 1040 federal tax return.

The appellant appeared at hearing by telephone. She confirmed that she receives income in the form of alimony and interest/dividend payments and agreed to submit the requested documentation. However, she testified she does not have access to a computer or a fax machine and must rely on the regular mail to submit the documents. In consideration of the extra time needed to receive documents through the regular mail, the appellant was given until May 22, 2023 to submit the proof of alimony and interest/dividend income (Exhibit 8). On May 22, 2023 none of the requested documents were received by the hearing officer or MassHealth (Exhibit 6). In further consideration of the appellant's need to use the regular mail, the mail was monitored until May 29, 2023 to see if documents postmarked by May 22nd came in (Exhibit 6). However, as of May 30, 2023 no additional documents have been received by the hearing officer or MassHealth (Exhibit 7).

Findings of Fact

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

1. On October 31, 2022 the appellant applied for MassHealth Standard.
2. The appellant was initially found eligible for coverage through the Massachusetts Health Connector.
3. On February 7, 2023 MassHealth's computer system updated the appellant's case and denied the application.
4. The basis of the denial was that the appellant's income had "expired" and although MassHealth had requested that the appellant update and verify her income, she had not done so.

5. The appellant is a household of one and her last updated income included \$425.00 a week in alimony and \$140.31 a month from interest and dividends.
6. The appellant's verified income places her at 158.11% of the FPL.
7. Post-hearing, the record was left open until May 22, 2023 to update her income.
8. No documents were submitted by the appellant by May 22, 2023.
9. The mail was monitored until May 29, 2023 to see if mail from the appellant postmarked by May 22nd came in.
10. No documents were submitted by the appellant by May 29, 2023.

Analysis and Conclusions of Law

At issue in this case is MassHealth's determination that the appellant is not eligible for coverage because she has not provided proof of her 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 corroborative information (proof of information), 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 she is currently eligible for any MassHealth coverage type.¹ The appellant has not demonstrated that MassHealth's determination was made in error.

This appeal is denied.

Order for MassHealth

None.

¹ It also bears noting that based on the appellant's last verified income, she would likely not meet the financial eligibility requirements for the MassHealth coverage types that would potentially apply to her (see 130 CMR 505.008 and 505.002(J)).

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.

David Jacobs
Hearing Officer
Board of Hearings

cc: Taunton MassHealth Enrollment Center