

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2303524
<b>Decision Date:</b>	07/25/2023	<b>Hearing Date:</b>	05/30/2023
<b>Hearing Officer:</b>	Scott Bernard	<b>Record Open to:</b>	

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

**Appearance for MassHealth:**  
Allison Gates (Springfield MEC) *via* telephone



*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>	Eligibility - Over 65
<b>Decision Date:</b>	07/25/2023	<b>Hearing Date:</b>	05/30/2023
<b>MassHealth's Rep.:</b>	Allison Gates	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Springfield MassHealth Enrollment Center	<b>Aid Pending:</b>	Yes

### 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 April 27, 2023, MassHealth notified the appellant that it was terminating her coverage effective May 11, 2023 because she had more countable income and assets than MassHealth benefits allowed. (See 130 CMR 520.002; 520.028; 520.003; 520.004; and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on May 1, 2023. (See 130 CMR 610.015(B) and Ex. 2). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032).

### Action Taken by MassHealth

MassHealth notified the appellant that it would terminate her coverage because she had more countable income and assets than MassHealth benefits allow.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.002, 520.003, 520.004, in determining that the appellant's countable income and assets exceeded the limits for MassHealth qualifications.

## Summary of Evidence

The MassHealth representative stated that the appellant appealed the notice MassHealth sent on April 27, which stated that the appellant was not eligible because she was over both the income and asset limits. (Ex. 1). The appellant's countable assets totaled \$26,294.95, which meant that she was \$23,295.95 over the asset limit for a household of two. (Id.). Additionally, her household income was \$3,912.29 per month consisting of unearned income. (Id.). After applying the unearned income disregard of \$20, the appellant's countable income was \$3,892.00. (Id.). This placed the appellant at 238% of the federal poverty level (FPL), and therefore over the income limit for MassHealth. The appellant could become eligible for MassHealth if she paid a month deductible, but it would be extremely high. (Id.).

Previously the appellant had CommonHealth coverage as a working disabled individual. (Ex. 4). On the appellant's renewal application, however, the appellant stated that she was not working. Because the appellant is now over the age of ■■■, MassHealth defaulted to using the usual rules for those over the age of ■■■, which counts both the income and assets. Under those rules, she is ineligible to receive MassHealth.

The MassHealth representative stated that the appellant does have other options, however. The appellant can continue receiving CommonHealth if she provides proof that she is working 40 hours per month for at least \$1.00 per hour. This did not need to be traditional work. There would be a premium that is determined on a sliding scale based on her income. There was also the possibility of getting MassHealth through a Frail Elder Waiver. An Aging Services Access Point (ASAP) would need to perform a clinical evaluation to see if she was eligible. This would allow MassHealth to consider only her income in determining her eligibility. The appellant would still need to reduce her assets.

The appellant stated that she did not know that she needed to be working as well as disabled to receive MassHealth. The appellant did not dispute the facts concerning her income or assets, although she thought that her assets were a little less than reported. The appellant stated that she is not in great shape health wise. The appellant stated she had cancer and was going through chemotherapy once a month.

The MassHealth representative then gave the appellant more information on her local ASAP, and its contact details.

## Findings of Fact

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

1. The appellant is over the age of ■■■. (Ex. 4).
2. The appellant was receiving MassHealth CommonHealth as a disabled working person

before she turned [REDACTED]. (Ex. 4; Testimony of the MassHealth representative).

3. The appellant submitted a new application after she turned [REDACTED]. (Testimony of the MassHealth representative)
4. The appellant reported that she is no longer working. (Testimony of the MassHealth representative).
5. The appellant has a household of two. (Testimony of the MassHealth representative).
6. The appellant's countable assets totaled \$26,294.95, which meant that she was \$23,295.95 over the asset limit for a household of two. (Ex. 1).
7. The appellant's countable household income was \$3,892.00, which was 238% of the FPL. (Ex. 1; Testimony of the MassHealth representative).
8. The appellant is therefore not eligible to receive MassHealth benefits. (Testimony of the MassHealth representative; Ex. 1).

## Analysis and Conclusions of Law

In determining eligibility for MassHealth for non-institutionalized individuals over the age of [REDACTED], the total amount of countable-income and countable assets of the individual and spouse who are living together are compared to an income standard and asset limit, unless one spouse is covered by MassHealth under a home- and community-based service waiver. (130 CMR 520.002(A)(1); 520.009(A)(2)). The total value of countable assets owned by or available to individuals applying for or receiving MassHealth Standard, Family Assistance, or Limited may not exceed \$3,000 for a household of two. (130 CMR 520.003(A)(2)).

An individual's and the spouse's gross earned and unearned income, less certain business expenses and standard income deductions, is referred to as the countable-income amount. (130 CMR 520.009(A)(1)). Generally, financial eligibility is based on a percentage of the federal poverty level. (130 CMR 520.009(B)). The monthly federal poverty level standards are determined according to annual standards published in the Federal Register and MassHealth adjusts these standards annually using a formula. (*Id.*). MassHealth then publishes those figures online its website<sup>1</sup>. According to MassHealth, a family of two persons who have combined income totaling \$1,644 per month are at 100% of the Federal Poverty Level in 2023.

The record shows, by a preponderance of the evidence, that the appellant is over the age of [REDACTED] and has a household of two. The record further shows that the appellant was receiving

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<sup>1</sup> <https://www.mass.gov/info-details/program-financial-guidelines-for-certain-masshealth-applicants-and-members>

CommonHealth coverage as a working disabled person but reported in her application that she is no longer working. MassHealth stated, and the appellant did not refute, that her countable assets totaled \$23,295 and that her countable income totaled \$3,892.00. The appellant is therefore over the income and asset limit for a household of two and is not eligible to receive MassHealth benefits under these circumstances. The MassHealth representative did describe other ways that would permit the appellant to become eligible to receive MassHealth, and these are the avenues the appellant should explore in order to do so.

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:

Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104