

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2303634
<b>Decision Date:</b>	6/12/2023	<b>Hearing Date:</b>	05/24/2023
<b>Hearing Officer:</b>	Kimberly Scanlon		

**Appearance for Appellant:**  
*Via telephone*



**Appearance for MassHealth:**  
*Via telephone*  
Anna Martinez



*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>	Dismissed	<b>Issue:</b>	Eligibility
<b>Decision Date:</b>	6/12/2023	<b>Hearing Date:</b>	05/24/2023
<b>MassHealth's Rep.:</b>	Anna Martinez	<b>Appellant's Rep.:</b>	<i>Pro se</i>
<b>Hearing Location:</b>	Tewksbury MassHealth Enrollment Center Room 1 (Remote)	<b>Aid Pending:</b>	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 April 25, 2023, MassHealth denied the Appellant's application for MassHealth Buy-In benefits because MassHealth determined that the Appellant was not receiving Medicare Part A. (130 CMR 519.011(B) and Exhibit 1). The Appellant filed this appeal in a timely manner on May 1, 2023. (130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

### Action Taken by MassHealth

MassHealth denied the Appellant's application for MassHealth benefits.

### Issue

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

### Summary of Evidence

A MassHealth representative appeared at the hearing via telephone and testified as follows: MassHealth received two (2) Buy-in applications from the Appellant. The first application was received on March 6, 2023, which was processed. The second application was received on April 21, 2023. The Appellant turned [REDACTED] on [REDACTED]. Therefore, in order for MassHealth to determine if the Appellant is eligible, she must submit a senior application. The MassHealth representative further testified that in looking through the system, it appears that the Appellant began receiving Medicare on May 1, 2023. However, she will still need to submit a senior application due to her recent change in age.

The Appellant appeared at the hearing via telephone and testified that she was told by the Commonwealth of Massachusetts to begin applying 3-4 months prior to turning 65 years of age. She was unaware that she had to complete a senior Medicaid application though. The Appellant explained that the April 25, 2023 denial letter that she received stated that she was denied due to not receiving Medicaid. However, the Appellant began receiving Medicaid on May 1, 2023, which is the reason that she appealed. The Appellant further testified that no one explained to her that she filled out the wrong application. In response, the MassHealth representative offered to send the Appellant the correct application packet via mail. The MassHealth representative explained that the Appellant must answer all questions contained within the application and to contact MassHealth with any questions. The Appellant agreed to do so upon receipt of the application.

## Findings of Fact

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

1. On or about April 25, 2023, MassHealth sent a denial notice to the Appellant because MassHealth determined that the Appellant was not receiving Medicare Part A. (Testimony, Exhibit 1).
2. On May 1, 2023, the Appellant began receiving Medicare Parts A and B. (Testimony; Exhibit 5).
3. The Appellant timely appealed the MassHealth denial notice on May 1, 2023. (Testimony; Exhibit 2).
4. The Appellant turned [REDACTED] years-old on [REDACTED] (Testimony; Exhibit 3).
5. The Appellant must submit a senior application to MassHealth due to her recent change in age. (Testimony).
6. The Appellant agreed to do so upon receipt of the application. (Testimony).

## Analysis and Conclusions of Law

MassHealth may make an adjustment in the matters at issue before or during an appeal period. (See, 130 CMR 610.051(B)). If the parties' adjustment resolves one or more of the issues in dispute in favor of the Appellant, the hearing officer, by written order, may dismiss the appeal in accordance with 130 CMR 610.035 as to all resolved issues, noting as the reason for such dismissal that the parties have reached agreement in favor of the appellant. *Id.*

With respect to 130 CMR 610.035, the Board of Hearings will dismiss a hearing when....

- (1) the request is not received within the time frame specified in 130 CMR 610.015;
- (2) the request is withdrawn by the appellant;
- (3) the sole issue is one of state or federal law requiring automatic change in assistance for classes of members;
- (4) the stated reason for the request does not constitute grounds for appeal as set forth in 130 CMR 610.032. Without limiting the generality of the foregoing, except as provided in 130 CMR 610.032(A)(11), no provider decision or action including, but not limited to, a provider determination about whether or the extent to which a service is medically necessary constitutes an appealable action hereunder;
- (5) the stated reason for the hearing request is outside the scope of 130 CMR 610.000 as set forth in 130 CMR 610.003;
- (6) BOH has conducted a hearing and issued a decision on the same appealable action arising out of the same facts that constitute the basis of the request;
- (7) the party requesting the hearing is not an applicant, member, or resident as defined in 130 CMR 610.004;
- (8) BOH learns of an adjustment or action that resolves all of the issues in dispute between the parties;
- (9) BOH learns that the applicant or member has passed away prior to the date of filing and there is no full compliance with 130 CMR 610.016(B) within ten days of a BOH request;
- (10) BOH learns that the applicant or member has passed away prior to the date of filing and scheduling a hearing and is not informed until the date of the hearing and there is no full compliance with 130 CMR 610.016(B); or
- (11) the appellant fails to appear at a scheduled hearing.

....

(130 CMR 610.035(A)).

In the present case, the Appellant was satisfied with the explanation given at the hearing and agreed to submit the proper application once received. Because the appeal issue has been resolved in favor of the Appellant, there is nothing left to dispute before the hearing officer. For

the above-stated reasons, this 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.

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Kimberly Scanlon  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290