

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2304238
<b>Decision Date:</b>	7/18/2023	<b>Hearing Date:</b>	06/27/2023
<b>Hearing Officer:</b>	Scott Bernard	<b>Record Open to:</b>	07/17/2023

**Appearance for Appellant:**  
*Pro se*

**Appearance for MassHealth:**  
Maria Piedade (Taunton 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>	Community Over 65 – Working Disabled Letter
<b>Decision Date:</b>	7/18/2023	<b>Hearing Date:</b>	06/27/2023
<b>MassHealth's Rep.:</b>	Maria Piedade	<b>Appellant's Rep.:</b>	<i>Pro se</i>
<b>Hearing Location:</b>	Taunton MassHealth Enrollment Center		

### 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 May 11, 2023, MassHealth denied the appellant's application for MassHealth benefits because MassHealth determined that the appellant had more countable income and assets than MassHealth benefits allow. (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 23, 2023. (See 130 CMR 610.015(B) and Ex. 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

At the end of the hearing, the record was left open until July 11, 2023 for the appellant to submit a new working disabled letter and until July 14, 2023 for MassHealth to process any information submitted. On July 17, 2023, the MassHealth representative informed the hearing officer by email that she did not receive any further information from the appellant. (Ex. 6).

### Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth benefits because it determined the appellant had more countable income and assets than permitted.

## Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 519.002; 519.005; 519.012; and 520.002 in determining that the appellant was over income and assets and therefore was not eligible for MassHealth.

## Summary of Evidence

The MassHealth representative testified to the following. The appellant is an individual over the age of 65 with a household of two. (Ex. 2; Ex. 3, Ex. 5, p. 3). The appellant has had MassHealth CommonHealth since December 13, 2019. (Ex. 5, pp. 3, 4, 5). MassHealth received an eligibility review on February 22, 2023, which was processed on February 28, 2023. MassHealth sent the appellant an information request on the same date. (Ex. 5, pp. 8, 10). MassHealth received a verification on March 20, 2023 and it was processed on April 5, 2023. (Ex. 5, pp. 9, 11). The verification received was deemed as not an acceptable proof. For that reason MassHealth sent the appellant a second information request. (Ex. 5, p. 12). MassHealth received the appellant's response on May 4, 2023. (Ex. 5, pp. 13-15). MassHealth processed the verification received on May 5, 2023, which prompted the termination notice. (Ex. 1; Ex. 5, pp. 17-19).

The reason for the termination is that the appellant no longer reports as working. Therefore, the appellant no longer qualifies for CommonHealth as a working disabled person. The appellant's monthly household income consists of the appellant's Social Security in the amount of \$2,738. (Ex. 1, p. 3). The appellant's spouse does not have any reported income. The household income therefore puts the member at 165.3% of the Federal Poverty Level (FPL). The appellant also has assets totaling \$80,333.45, which exceeds the countable asset limit. (Ex. 1, p. 3; Ex. 5, p. 25). Without the working disabled letter, the appellant would need to pay a deductible of \$11,418 for the period February 1, 2023 to August 1, 2023 and reduce his countable assets to below \$3,000 in order to qualify for MassHealth Standard. The appellant does not currently qualify for MassHealth Standard or CommonHealth but was approved for the Health Safety Net with a deductible of \$776 effective May 1, 2023.

The appellant stated that he had looked for part time work but could not find any. The MassHealth representative stated that he did not need to find part time work as a working disabled person. The appellant would just need to be employed at least 40 hours per month at \$1.00 per hour and present MassHealth with a letter from the employer confirming this arrangement. As an example, the MassHealth representative stated that employment could be providing babysitting services for a family member. The appellant stated that he would work on getting a working disabled letter to MassHealth. The record was therefore left open until July 11, 2023 for him to do so, and the MassHealth representative asked until July 14, 2023 to confirm receipt.

On July 15, 2023, the hearing officer emailed the MassHealth representative, who stated that

she received no further information from the appellant. (Ex. 6).

## Findings of Fact

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

1. The appellant is an individual over the age of 65 with a household of two. (Ex. 2; Ex. 3, Ex. 5, p. 3).
2. The appellant had had MassHealth CommonHealth since December 13, 2019. (Ex. 5, pp. 3, 4, 5).
3. The appellant was eligible for CommonHealth as a working disabled person, which means that he worked for 40 hours per month for at least \$1.00 per hour. (Testimony of the MassHealth representative).
4. MassHealth received an eligibility review on February 22, 2023, which was processed on February 28, 2023. (Testimony of the MassHealth representative).
5. MassHealth sent the appellant an information request on the same date. (Ex. 5, pp. 8, 10).
6. MassHealth received a verification from on March 20, 2023 and they were processed on April 5, 2023. (Ex. 5, pp. 9, 11).
7. The verification received was deemed as not an acceptable proof. (Testimony of the MassHealth representative).
8. For that reason MassHealth sent the appellant a second information request. (Ex. 5, p. 12).
9. MassHealth received the appellant's response on May 4, 2023. (Ex. 5, pp. 13-15).
10. MassHealth processed the verification received on May 5, 2023, which prompted the termination notice. (Ex. 1; Ex. 5, pp. 17-19).
11. The appellant no longer reported as working, and therefore was not eligible for CommonHealth as a working disabled person. (Testimony of the MassHealth representative).
12. The appellant's monthly household income consists of the appellant's Social Security in the amount of \$2,738. (Ex. 1, p. 3).
13. The household income placed the appellant at 165.3% of the Federal Poverty Level (FPL). (Testimony of the MassHealth representative).

14. The appellant also has assets totaling \$80,333.45, which exceeds the countable asset limit. (Ex. 1, p. 3; Ex. 5, p. 25).
15. In order to qualify for MassHealth Standard, the appellant would need to pay a deductible of \$11,418 for the period February 1, 2023 to August 1, 2023 and reduce his countable assets to below \$3,000 in order to qualify for MassHealth Standard. (Ex. 1).
16. The appellant was approved for the Health Safety Net with a deductible of \$776 effective May 1, 2023. (Ex. 1).
17. The appellant requested until July 11, 2023 to present a working disabled letter to again become eligible for CommonHealth. (Testimony of the appellant).
18. The appellant did not submit any further information to MassHealth as of July 17, 2023. (Ex. 6).

## **Analysis and Conclusions of Law**

Noninstitutionalized individuals 65 years of age and older may establish eligibility for MassHealth Standard coverage provided the countable income amount of the individual or couple is less than or equal to 100% of the federal poverty level; and the countable assets of a married couple living together are \$3,000 or less. (130 CMR 519.005(A); 520.002(A)). The record shows that the appellant is not eligible to receive MassHealth Standard because his household income exceeds the income standard for a household of two by 65% and he has assets that exceed the countable asset limit of \$3,000. The appellant is therefore not eligible for MassHealth Standard at this time.

The appellant could become eligible for MassHealth CommonHealth as a working disabled person. This means that the appellant would be need to be employed at least 40 hours per month, and present a letter to MassHealth confirming this employment. (130 CMR 519.012(A); 505.004(B)(2)). The appellant was given until July 11, 2023 to submit this letter but did not do so. The appellant is therefore not eligible for MassHealth CommonHealth at this time.

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:

Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780