

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2304740
Decision Date:	10/4/2023	Hearing Date:	07/10/2023
Hearing Officer:	Thomas Doyle	Record Open to:	7/31/23-8/21/23

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Harry Giang, Charlestown MEC

Interpreter:
Sergio (Haitian Creole)



*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

Appeal Decision:	Denied	Issue:	Missing Verifications; Under 65
Decision Date:	10/4/2023	Hearing Date:	07/10/2023
MassHealth's Rep.:	Harry Giang	Appellant's Rep.:	Pro se
Hearing Location:	Remote (phone)	Aid Pending:	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 May 23, 2023, MassHealth terminated appellant's application for MassHealth benefits because appellant failed to provide the required proof in the time allowed. (130 CMR 502.003; Ex. 1). The appellant filed this appeal in a timely manner on June 2, 2023. (Ex. 2). Denial of assistance is valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth notified appellant that that he is not eligible for MassHealth benefits because he did not submit the information it needs to decide his eligibility within the required time frame.

Issue

Whether MassHealth was correct in denying appellant's application for MassHealth benefits.

Summary of Evidence

The MassHealth representative, appellant and Haitian Creole interpreter all appeared by telephone and were sworn. MassHealth denied appellant's application because the following information has not been received: (1) information on appellant's immigration status and 2) information confirming appellant's Massachusetts residency. (Ex. 1; Testimony). The record was left open until July 31, 2023 to give appellant the opportunity to provide the missing items. (Ex. 5).¹ This hearing officer contacted the MassHealth representative to see if appellant had provided the missing items. The MassHealth representative answered that he received both items but was only able to verify the immigration status. He could not accept the proof of residency because it was not signed and dated. (Ex. 6). Due to the appellant's language barrier, this hearing officer extended the record open until August 21, 2023 to provide completed proof of residency. (Ex. 7). On September 7, 2023, correspondence from the MassHealth representative indicated that he had sent outreach letters to appellant but appellant had not responded. (Ex. 8).

Findings of Fact

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

1. The appellant filed an application for MassHealth benefits. (Testimony).
2. There was missing information needed to approve the application, specifically, immigration status and proof of Massachusetts residency. (Testimony).
3. On May 23, 2023, MassHealth denied the application because the appellant failed to submit all of the requested verifications. (Testimony; Ex. 1)
4. Despite the opportunity to submit the missing information following the appeal hearing during the record open period and the extended record open period, appellant only provided the missing immigration information and did not provide a sufficient proof of Massachusetts residency. (Ex. 5 through 8).

Analysis and Conclusions of Law

¹ Appellant was mailed a hard copy of the notice that the record had been left open. (Ex. 5, p. 1).

The appellant has the burden "to demonstrate the invalidity of the administrative determination." Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228 (2007).

502.003: Verification of Eligibility Factors

The MassHealth agency requires verification of eligibility factors including income, residency, citizenship, immigration status, and identity as described in 130 CMR 503.000: *Health Care Reform: MassHealth: Universal Eligibility Requirements*, 504.000: *Health Care Reform: MassHealth: Citizenship and Immigration*, and 506.000: *Health Care Reform: MassHealth: Financial Requirements*.

...

(D) Time Standards. The following time standards apply to the verification of eligibility factors.

(1) The applicant or member has 90 days from the receipt of the Request for Information Notice to provide all requested verifications.

(2) If the applicant or member fails to provide verification of information within 90 days of receipt of the MassHealth agency's request, the MassHealth agency does one of the following.

(a) If the required information is available from electronic data sources, the MassHealth agency uses that information to redetermine eligibility.

(b) If the required information is not available from electronic data sources, MassHealth coverage is denied or terminated except for individuals described at 130 CMR 502.001(D)(1) through (4).

(c) If the required verifications are received within one year from the date the application or renewal form was received, coverage is reinstated to a date ten days before the receipt of the verifications.

(d) If the required verifications are not received within one year of receipt of the previous application or renewal form, a new application must be completed.

In this case, despite being given additional time following the appeal hearing to submit the outstanding documentation, namely, a signed and dated proof of Massachusetts residency, the appellant did not submit all required verifications to MassHealth or the hearing officer in a timely manner. Further, the appellant did not request additional time to submit the missing documentation.

Accordingly, 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.

Thomas Doyle
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Nga Tran, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129