

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2305127
Decision Date:	09/18/2023	Hearing Date:	09/06/2023
Hearing Officer:	Kenneth Brodzinski		

Appearance for Appellant:

Pro se

Appearance for MassHealth:

Kelly Worthen



*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:	Eligibility – Income Over 65 Community
Decision Date:	09/18/2023	Hearing Date:	09/06/2023
MassHealth's Rep.:	Kelly Worthen	Appellant's Rep.:	Pro se
Hearing Location:	Springfield		

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 June 16, 2023, MassHealth informed Appellant that her benefits would change to Senior Buy-In because she no longer qualifies for MassHealth Standard upon determining that her gross countable household income exceeds eligibility limits (Exhibit A). Appellant filed for an appeal with the Board of Hearings in a timely manner on June 23, 2023 (See 130 CMR 610.015(B) and Exhibit A). Eligibility determinations constitute adequate grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined that Appellant's benefits would change to Senior Buy-In because she no longer qualifies for MassHealth Standard upon determining that her gross countable household income exceeds eligibility limits.

Issue

The appeal issue is whether MassHealth properly applied the controlling regulation(s) to accurate facts when it determined that Appellant's benefits would change to Senior Buy-In because she no longer qualifies for MassHealth Standard upon determining that her gross countable household income exceeds eligibility limits.

Summary of Evidence

Both parties appeared by telephone.

The MassHealth representative testified that the subject notice concerns MassHealth's determination that Appellant is not financially eligible for MassHealth Standard benefits. The MassHealth representative testified that Appellant is a non-working disabled adult over the age of 65 residing in the community in a household of one with gross countable monthly income of \$1,241.00. This income constitutes 102.1% of the federal poverty level for household one. The MassHealth representative testified that the eligibility limit for a household of one is \$1,215.00 per month which represents 100% of the federal poverty level for a household of one.

Appellant appeared on her own behalf and testified that she is in the middle of a special dental procedure and does not want the procedure interrupted by loss of her MassHealth coverage. Appellant testified that she is not over the eligibility limit by very much and would like the excess amount waived in order to continue receiving MassHealth benefits at least until her dental procedure is finished. Appellant offered additional testimony concerning her physical and mental conditions and she acknowledged that she does not require any PCA services. Appellant also testified that her current MassHealth benefits provide her with necessary transportation to her medical appointments which she would lose if she lost her current coverage. Appellant testified that she would need to relocate if she lost her current coverage. Appellant's testimony was supported by documentation that she submitted along with her fair hearing request (Exhibit B).

Findings of Fact

By a preponderance of the evidence, this record supports the following salient findings:

1. Appellant is over the age of 65.
2. Appellant is a non-working, disabled adult residing in the community in a household of one.
3. Appellant has verified gross countable monthly income of \$1,241.00.

Analysis and Conclusions of Law

"The burden of proof is on the appealing party to show that the order appealed from is invalid, and we have observed that this burden is heavy" (*Massachusetts Inst. of Tech. v. Department of Pub. Utils.*, 425 Mass. 856, 867, 684 N.E.2d 585 (1997)).

Pursuant to MassHealth regulation 130 CMR 519.005(A)(1), in order for an individual over the age of 65 residing in the community to be income eligible for MassHealth Standard, countable income cannot exceed 100% of the FPL for the individual's household size.

Pursuant to MassHealth regulations, an individual's gross earned and/or unearned income is counted for MassHealth eligibility purposes (520.009(A)(1)). The controlling regulations provide neither MassHealth nor this Board with the authority to waive any excess income amount no matter how small. The controlling regulations also provide no authority to delay or postpone the action beyond the bounds of the appeals process which directs that this decision must issue on or before September 25, 2023.

Appellant did not dispute her age, non-working status, countable income, or her household size. MassHealth has shown Appellant's countable income to exceed the applicable eligibility income limit. Accordingly, there is no reasonable basis to conclude that MassHealth has made an error of fact or law.

For the foregoing reason, 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.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104, 413-785-4186