

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2305130
Decision Date:	8/30/2023	Hearing Date:	07/26/2023
Hearing Officer:	Christopher Jones		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Damion English – Quincy HCR



*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:	HCR – Eligibility; Income; Under 65
Decision Date:	8/30/2023	Hearing Date:	07/26/2023
MassHealth’s Rep.:	Damion English	Appellant’s Rep.:	Pro se
Hearing Location:	Remote	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 June 16, 2023, MassHealth terminated the appellant's MassHealth CarePlus coverage as of July 31 because the appellant's income was too high. (Exhibit 1; 130 CMR 506.007.) The appellant filed this appeal in a timely manner on June 23, 2023. (Exhibit 2; 130 CMR 610.015(B).) Denial of assistance is valid grounds for appeal. (130 CMR 610.032.)

Action Taken by MassHealth

MassHealth terminated the appellant's CarePlus benefits after she reported her husband's income.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 506.007, in determining that the appellant's household income is too high to qualify for MassHealth benefits.

Summary of Evidence

The appellant received a notice that her husband needed to file a new application because he had turned 65. The appellant herself is under 65. When she called MassHealth regarding her husband's eligibility, she was asked various questions about their household's income. She reported that she has employment income of \$595.50 bi-weekly, and her husband receives employment income of

\$600 bi-weekly. In addition to this employment income, the appellant's husband receives Social Security benefits in the amount of \$2,968 per month.

MassHealth's representative explained that individuals under the age of 65 are eligible for MassHealth CarePlus if their income is below 133% of the federal poverty level, or \$2,186 per month for a household of two. MassHealth calculates monthly income by multiplying weekly income by 4.333 (or bi-weekly income by 2.166). The appellant's household's monthly income total to \$5,558. The appellant's benefits had been protected because of the ongoing Federal Public Health Emergency ("FPHE") related to Covid 19, but those protections are in the process of being unwound since the FPHE's ending on April 1.

The appellant understood that she was not eligible for MassHealth, but she was frustrated and angry with the process. She felt it was unfair for her to have called MassHealth in response to a letter regarding her husband's need to file a new application and then suddenly have her own coverage terminated. She testified that their net monthly income was only \$4,851 per month, which she understood was also over the income limit. She did not believe any of the eligible income deductions were applicable to her situation. The appellant was upset with what felt like an unfair termination of her coverage without warning.

Findings of Fact

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

1. The appellant is under the age of 65 and lives with her husband who is over 65. The appellant and her husband file taxes jointly. (Testimony by the appellant.)
2. The appellant has bi-weekly employment income of \$595.50; her husband's bi-weekly employment income is \$600.00. The appellant's husband also receives Social Security benefits of \$2,968 per month. (Testimony by MassHealth's representative.)
3. The appellant was protected in the CarePlus benefit during the FPHE, and her termination arose from her first interaction with MassHealth following the end of the FPHE. (Testimony by MassHealth's representative.)

Analysis and Conclusions of Law

MassHealth offers a variety of benefits based upon an individual's circumstances and finances. To qualify for MassHealth, an individual must fit into a category of eligibility and fall below a certain financial threshold. Adults between the ages of 22 and 64 may qualify for CarePlus benefits if their household's Modified Adjusted Gross Income ("MAGI") is at or below 133% of the federal poverty level. (130 CMR 505.008; 130 CMR 506.002(A)(1)(c).) A MAGI Household for the purposes of CarePlus benefits includes an individual and their spouse if living or filing taxes together. (See 130 CMR 506.002(B).)

Countable income includes “the total amount of taxable compensation received for work or services performed less pretax deductions”; and the total amount of unearned income including, but not limited to, “social security benefits, railroad retirement benefits, pensions, annuities, certain trusts, interest and dividend income, state or local tax refund for a tax you deducted in the previous year, and gross gambling income.” (130 CMR 506.003(A), (B).) A limited number of tax deductions may reduce MAGI income. (See 130 CMR 506.003(D).)

Financial eligibility is “determined by using the total of all countable monthly income for each person in that individual's ... household. ... In determining monthly income, the MassHealth agency multiplies average weekly income by 4.333.” Then “[f]ive percentage points of the current federal poverty level ... is subtracted from the applicable household total countable income to determine eligibility of the individual under the coverage type with the highest income standard.” (130 CMR 506.007(A)(2), (3).) The federal poverty level for a household of two is \$1,644 in monthly income. (Available at <https://www.mass.gov/doc/2023-masshealth-income-standards-and-federal-poverty-guidelines-0/download> (last visited August 21, 2023).)

Dividing the appellant and her spouse’s earned income by two and multiplying by 4.333 results in monthly employment income of \$2,590.05. Adding her spouse’s Social Security benefits results in total household income of \$5,558.05. Five percent of the federal poverty level for a household of two is \$82.20; thus, the appellant’s countable income is \$5,475.85. This income is over 133% of the federal poverty level threshold for CarePlus benefits. The appellant has not identified any error in MassHealth’s decision, and 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.

Christopher Jones
Hearing Officer
Board of Hearings

cc: MassHealth Representative: Quincy MEC, Attn: Appeals Coordinator, 100 Hancock Street,
6th Floor, Quincy, MA 02171