

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2305207
Decision Date:	9/13/2023	Hearing Date:	07/25/2023
Hearing Officer:	Kimberly Scanlon; Emily Sabo (observing)		

Appearance for Appellant:

Via telephone

Pro se

Appearance for MassHealth:

Via telephone

Elizabeth Nickoson

Interpreter: Anna, ITI



*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:	Dismissed	Issue:	Eligibility; Verifications; Under 65
Decision Date:	9/13/2023	Hearing Date:	07/25/2023
MassHealth's Rep.:	Elizabeth Nickoson	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Taunton MassHealth Enrollment Center Room 1 (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 13, 2023, MassHealth notified the Appellant that it would be terminating the Appellant's benefits on June 27, 2023 for failure to submit proof in the time allowed. (See, 130 CMR 502.003(D); Exhibit 1). The Appellant filed this appeal in a timely manner on June 20, 2023. (See, 130 CMR 610.015(B); Exhibit 2). Termination of assistance is valid grounds for appeal. (See, 130 CMR 610.032).

Action Taken by MassHealth

MassHealth notified the Appellant that it was terminating his MassHealth benefits for failure to submit proof in the time allowed.

Issue

The appeal issue is whether MassHealth was correct in determining that the Appellant's benefits should be terminated for failing to submit proof in the time allowed.

Summary of Evidence

The MassHealth representative appeared at the hearing via telephone and testified as follows: the Appellant is a household of 1 and his verified income from employment is \$ 760.00 per week, with a gross monthly income of \$ 3,293.00. This places him 266.04% above the Federal Poverty Level (hereinafter “FPL”). The MassHealth representative further testified that the Appellant is disabled and is eligible for Health Safety Net. Further, the Appellant has an employment authorization card on file with MassHealth. The MassHealth representative explained that the June 13, 2023 termination notice was sent to the Appellant because MassHealth requested the Appellant’s proof of income which was due by June 2, 2023. MassHealth has since received the Appellant’s proof of income and there are not any pending documents remaining. As a result, the Appellant is currently eligible for a non-subsidized health connector plan. The MassHealth representative made inquiry as to whether the Appellant files taxes because he is listed with MassHealth as a non-tax filer. Should the Appellant file taxes, he may be able to receive better benefits.

The Appellant appeared at the hearing telephonically and testified through an interpreter. Specifically, the Appellant testified that he does file taxes. The MassHealth representative updated this information in her system and explained that the Appellant is now eligible for a subsidized health connector plan. She testified that she would give the Appellant the proper telephone number to contact the Health Connector.

The Appellant explained that he previously encountered an issue with the Health Connector because he was told that each plan costs money and the Appellant is no longer employed (as of July 6, 2023). In response, the MassHealth representative updated the Appellant’s income and testified that because the Appellant is disabled, has an employment authorization card on file, and no longer has any income, he qualifies for MassHealth Family Assistance.¹ Upon inquiry, the MassHealth representative explained that the Appellant will receive a new letter of eligibility by mail.

The Appellant expressed his gratitude for assistance. He explained that he was receiving physical therapy for a shoulder injury and appreciates the help from MassHealth.

Findings of Fact

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

1. The Appellant is between the ages of 19 and 65. (Testimony; Exhibit 3).

¹ The MassHealth representative explained that MassHealth Family Assistance would be free of charge for the Appellant.

2. On June 13, 2023, MassHealth sent the Appellant a termination notice for coverage to end on June 27, 2023 because the Appellant did not submit proof in the time allowed. (Testimony; Exhibit 1).
3. The Appellant timely appealed on June 20, 2023. (Exhibit 2).
4. On June 26, 2023, MassHealth received the Appellant's proof of income. (Testimony; Exhibit 4).
5. The Appellant is no longer employed and does not have any income. (Testimony).
6. MassHealth upgraded the Appellant's benefits from an unsubsidized health connector plan to MassHealth Family Assistance. (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 MassHealth representative upgraded the Appellant's benefits after hearing testimony relating to the Appellant's (lack of) income and employment. Because the appeal issue has been resolved in the Appellant's favor, 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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780, 508-828-4616