

# Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2305308
Decision Date:	9/20/2023	Hearing Date:	08/01/2023
Hearing Officer:	Kimberly Scanlon		

Appearance for Appellant:  
*Via telephone*  
*Pro se*

Appearance for MassHealth:  
*Via telephone*  
Kaila Keddle



*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>	Dismissed	<b>Issue:</b>	Eligibility; Verifications; Under 65
<b>Decision Date:</b>	9/20/2023	<b>Hearing Date:</b>	08/01/2023
<b>MassHealth's Rep.:</b>	Kaila Keddie	<b>Appellant's Rep.:</b>	<i>Pro se</i>
<b>Hearing Location:</b>	Tewksbury MassHealth Enrollment Center Room 1 (Remote)	<b>Aid Pending:</b>	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 notified the Appellant that it would be terminating the Appellant's benefits on June 30, 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 25, 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 MassHealth termination notice dated June 16, 2023, was mailed to the Appellant because MassHealth did not receive proof of the Appellant's Massachusetts residency. The MassHealth representative explained that proof of residency was initially requested from the Appellant in 2021, however, during that timeframe there were COVID protections still in place. As a result, the Appellant did not lose his existing coverage. However, when the Appellant's renewal application was processed in May of 2023, the MassHealth system still had the proof of residency as an expired document which resulted in a redetermination notice. The MassHealth representative further explained that it is only the Appellant's proof of Massachusetts residency that is needed by MassHealth for the Appellant to continue receiving benefits.

The Appellant appeared at the hearing by telephone and testified that he was initially unsure why he received the notice. He expressed his appreciation for and the MassHealth representative for clarifying the reason. Next, the Appellant made inquiry how to resolve this matter. In response, the MassHealth representative explained that the Appellant can fax, mail, or upload the document showing proof of residency to MassHealth. Documents showing proof of residency include: a recent utility bill (gas bill or electric bill, for example); a copy of a lease agreement with a recent rent receipt attached; or a copy of a mortgage statement dated within the last 60 days. If the Appellant does not have any bills in his name at the address listed on file, the MassHealth representative testified that he would need to submit a written affidavit, self-attesting that he does reside at that address.

The Appellant next made inquiry as to whether a car insurance bill or bank statement would suffice. In response, the MassHealth representative testified that unfortunately neither is an acceptable form of residence, however, a utility bill at the address listed would suffice. The Appellant explained that he currently resides with his daughter and will have her submit a written affidavit stating that she is currently the owner of the property, and the Appellant currently resides there with both her signature and the Appellant's signature included and currently dated. The Appellant testified that he would get the proof of residency documentation taken care of right away.

## **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. (Exhibit 3).
2. On June 16, 2023, MassHealth sent the Appellant a termination notice for coverage to end on

June 30, 2023, because the Appellant did not submit proof in the time allowed. (Testimony; Exhibit 1).

3. The Appellant timely appealed on June 25, 2023. (Exhibit 2).
4. The Appellant resides with his daughter and agreed to submit a written affidavit attesting such. (Testimony).
5. Proof of the Appellant's residency in Massachusetts is the only pending document MassHealth needs from the Appellant so he can continue receiving MassHealth benefits. (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 Appellant was satisfied with the explanation given at the hearing and agreed to submit the outstanding documentation to MassHealth. 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.

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Kimberly Scanlon  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290