

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2305737
Decision Date:	10/4/2023	Hearing Date:	08/08/2023
Hearing Officer:	Kimberly Scanlon		

Appearance for Appellant:

Via telephone



Mother

Appearance for MassHealth:

Via telephone

Elizabeth Nickoson



*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; Missing Information
Decision Date:	10/4/2023	Hearing Date:	08/08/2023
MassHealth's Rep.:	Elizabeth Nickoson	Appellant's Rep.:	Mother
Hearing Location:	Taunton MassHealth Enrollment Center Room 2 (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 20, 2023, MassHealth notified the Appellant that it was unable to process the Appellant's application because MassHealth did not receive all requested information. (See, 130 CMR 502.001; Exhibit 1). The Appellant filed this appeal in a timely manner on July 9, 2023. (See, 130 CMR 610.015(B); Exhibit 2). Denial of assistance is valid grounds for appeal. (See, 130 CMR 610.032).

Action Taken by MassHealth

MassHealth notified the Appellant that it was unable to process the Appellant's application because MassHealth did not receive all requested information.

Issue

The appeal issue is whether MassHealth was correct in determining that the Appellant's application cannot be processed because MassHealth did not receive all requested information.

Summary of Evidence

The MassHealth representative appeared at the hearing *via* telephone and testified as follows: MassHealth received the Appellant's renewal application in May of 2023, however, there was missing information. The MassHealth representative explained that she could take some of the outstanding information by telephone, however, the Appellant's signature page to her application is one piece of information that cannot be verified telephonically. The MassHealth representative testified that if the Appellant and her representative do not have the signature pages in their possession, she can mail copies to them to be signed, dated, and returned to MassHealth.

The MassHealth representative further testified that the outstanding information includes: the Appellant's intent to reside in the Commonwealth of Massachusetts and proof of income (recent paystubs).

The Appellant's representative appeared at the hearing by telephone and testified that the application was voluminous and confusing. In response, the MassHealth representative explained that the Appellant and her representative also have the option of completing applications by telephone or in-person should they need assistance with completing subsequent applications.

The Appellant's representative further testified that the Appellant would submit her signature page and recent paystubs (dated within the past 60 days). The Appellant's representative explained that the Appellant's income will vary each month. She further explained that the Appellant listed her two (2) sisters as dependents because she claims her siblings for tax purposes. The Appellant's representative agreed to have the Appellant submit the signature page and her recent paystubs to 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. (Exhibit 3).
2. On or about June 20, 2023, MassHealth sent the Appellant a denial notice because the Appellant did not submit all requested information. (Testimony; Exhibit 1).
3. The Appellant timely appealed on July 9, 2023. (Exhibit 2).
4. The Appellant's missing information includes the signature page of her MassHealth application (signed and dated) and recent paystubs (dated within the past 60 days). (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's representative was satisfied with the explanation given at the hearing and agreed to have the Appellant 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.

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