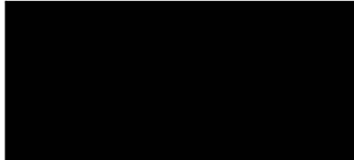


# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2305740
<b>Decision Date:</b>	10/04/2023	<b>Hearing Date:</b>	08/08/2023
<b>Hearing Officer:</b>	Kimberly Scanlon		

**Appearance for Appellant:**

*Via telephone*

*Pro se*

**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

<b>Appeal Decision:</b>	Dismissed	<b>Issue:</b>	Eligibility; Missing Information
<b>Decision Date:</b>	10/04/2023	<b>Hearing Date:</b>	08/08/2023
<b>MassHealth's Rep.:</b>	Elizabeth Nickoson	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Taunton MassHealth Enrollment Center Room 2 (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 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 was missing the following information from the Appellant's application, specifically: the Appellant's intent to reside in the Commonwealth of Massachusetts; income; and the signature page of her application.

The Appellant appeared at the hearing *via* telephone and confirmed her intent to reside in the Commonwealth of Massachusetts. She testified that her income is approximately \$ 2,500.00. The MassHealth representative explained that would mail a copy of the signature page to the Appellant to be signed, dated, and returned to MassHealth. <sup>1</sup> The Appellant agreed to do so once received.

## 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 outstanding information includes the signature page of her MassHealth application. (Testimony).
5. The Appellant confirmed her intent to reside in the Commonwealth of Massachusetts and her income. (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....

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<sup>1</sup> The MassHealth representative testified that she would mark the signature page with reminders of what information is required for MassHealth to complete processing the Appellant's application.

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