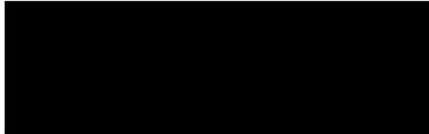


Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2306132
Decision Date:	10/06/2023	Hearing Date:	08/23/2023
Hearing Officer:	Christopher Jones		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Janine Monico - Tewksbury ongoing



*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:	Over-65; Eligibility; Renewal
Decision Date:	10/06/2023	Hearing Date:	08/23/2023
MassHealth's Rep.:	Janine Monico	Appellant's Rep.:	Pro se
Hearing Location:	Remote	Aid Pending:	Yes

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 July 12, 2023, MassHealth terminated the appellant's MassHealth coverage because she did not return her annual eligibility renewal. (Exhibit 1; 130 CMR 502.007(C)(2).) The appellant filed this appeal in a timely manner on July 21, 2023, and her benefits are protected pending the outcome of this appeal. (Exhibit 1; 130 CMR 610.015(B); 610.036.) Denial of assistance is valid grounds for appeal. (130 CMR 610.032.)

Action Taken by MassHealth

MassHealth terminated the appellant's MassHealth Standard coverage because she renewed her eligibility through the under-65 department.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 502.0007 and 516.007, in determining that the appellant did not complete the relevant renewal application.

Summary of Evidence

MassHealth's representative explained that MassHealth benefits have been protected for the last few years through a Federal Public Health Emergency regarding the Covid 19 Pandemic. The

appellant completed a renewal application online for under-65 benefits, but she had turned [REDACTED]. MassHealth mailed her a paper renewal to convert her eligibility to the over-65 coverage. She also explained that the eligibility for individuals over 65 requires verifying assets in addition to their income.

The appellant confirmed that she had the over-65 renewal that she needed to complete and that she would return it to MassHealth to get a new eligibility determination.

Findings of Fact

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

1. The appellant is over the age of 65. (Testimony by MassHealth's representative.)
2. The appellant completed an under-65 renewal online, but she needs to complete a paper over-65 renewal. (Testimony by MassHealth's representative and the appellant.)

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 apply for benefits, and MassHealth reviews eligibility every 12 months. (See 130 CMR 516.001, 516.007.) Members must cooperate with MassHealth's requests for "information necessary to establish and maintain eligibility" (130 CMR 515.008(A).) The eligibility requirements for receiving MassHealth Standard for individuals over 65 who are living in the community are:

519.005: Community Residents 65 Years of Age and Older

(A) Eligibility Requirements. Except as provided in 130 CMR 519.005(C), noninstitutionalized individuals 65 years of age and older may establish eligibility for MassHealth Standard coverage provided they meet the following requirements:

- (1) the countable-income amount, as defined in 130 CMR 520.009: *Countable-Income Amount*, of the individual or couple is less than or equal to 100 percent of the federal poverty level; and
- (2) the countable assets of an individual are \$2,000 or less, and those of a married couple living together are \$3,000 or less.

(B) Financial Standards Not Met. Except as provided in 130 CMR 519.005(C), individuals whose income, assets, or both exceed the standards set forth in 130 CMR 519.005(A) may establish eligibility for MassHealth Standard by reducing their assets in accordance with 130 CMR 520.004: *Asset Reduction*,

meeting a deductible as described at 130 CMR 520.028: *Eligibility for a Deductible* through 520.035: *Conclusion of the Deductible Process*, or both.

(130 CMR 519.005(A)-(B).)

The appellant acknowledged that she completed the under-65 renewal and still needed to complete and return an over-65 renewal. Therefore, this appeal is DENIED. (See 130 CMR 516.007.) The appellant will get a new eligibility determination once her over-65 application is completed, and it may be appealed separately if she disagrees with MassHealth's decision.

Order for MassHealth

Remove Aid Pending.

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: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957