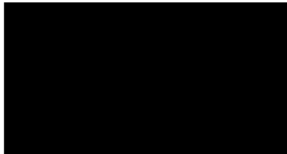


Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2306620
Decision Date:	10/30/2023	Hearing Date:	09/14/2023
Hearing Officer:	Kimberly Scanlon		

Appearance for Appellant:
Via telephone
Pro se

Appearance for MassHealth:
Via telephone
Harry Giang



*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; Under 65
Decision Date:	10/30/2023	Hearing Date:	09/14/2023
MassHealth's Rep.:	Harry Giang	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Charlestown 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 August 1, 2023, MassHealth informed the Appellant that her minor son no longer qualifies for MassHealth benefits because MassHealth did not receive his renewal application within the allowed time. The notice further states that his coverage is ending on August 5, 2023. (130 CMR 502.007; Exhibit 1). The Appellant filed this appeal in a timely manner on August 5, 2023. (130 CMR 610.015(B); Exhibit 2). Termination of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth notified the Appellant that her minor child's coverage was being terminated because MassHealth did not receive his renewal application within the allowed timeframe.

Issue

The appeal issue is whether MassHealth was correct in determining that his coverage should be terminated.

Summary of Evidence

The MassHealth representative appeared at the hearing *via* telephone and testified as follows: the termination notice was issued because MassHealth did not receive a renewal application for the Appellant's minor child. He explained that in May of 2023, MassHealth mailed the renewal paperwork to the Appellant.

The Appellant appeared at the hearing telephonically and testified that she never received a renewal application by mail. She explained that she has two (2) minor children and did not understand why a renewal application was required for only one of her children. The Appellant testified that she resides in a large complex and mail has been mistakenly distributed in the past. The Appellant explained that she never had to renew her children's coverage beforehand and reiterated her confusion.

Upon inquiry, the MassHealth representative testified that he would mail out another renewal application to the Appellant. The Appellant testified that she would wait to receive the application and made inquiry as to why she had to renew coverage for one child but not for her other child. The MassHealth representative researched her children's accounts and confirmed that the Appellant receives assistance from the Department of Transitional Assistance (hereinafter "DTA"). He also confirmed that both Appellant's children automatically receive MassHealth coverage. The Appellant explained that is the reason why she never had to renew her children's coverage beforehand, because it has always been automatically renewed. The MassHealth representative explained that one of the Appellant's children has two (2) open accounts, one for MassHealth and the other through the DTA. The MassHealth representative testified that there is no longer a need for the Appellant to fill out a renewal application. He explained that he corrected the issue electronically by closing out the MassHealth account and leaving the DTA account as active. The Appellant expressed her appreciation.

Findings of Fact

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

1. The Appellant is under the age of 65. (Exhibit 3).
2. By notice dated August 1, 2023, MassHealth informed the Appellant that her minor child's coverage was being terminated on August 15, 2023 because MassHealth did not receive his renewal application. (Testimony; Exhibit 1).
3. The Appellant timely appealed on August 5, 2023. (Exhibit 2).

4. The Appellant has two (2) minor children. (Testimony).
5. MassHealth showed two (2) open accounts for one of the Appellant's children. (Testimony).
6. MassHealth rectified the appeal issue electronically. (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 corrected the appeal issue electronically. 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. Any subsequent MassHealth notices issued to the Appellant may be separately appealed.

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: Nga Tran, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129