

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2306734
Decision Date:	10/31/2023	Hearing Date:	09/12/2023
Hearing Officer:	Kimberly Scanlon		

Appearance for Appellant:
Via telephone
Pro se

Appearance for MassHealth:
Via telephone
Anna Martinez

Interpreter:



*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; Over 65
Decision Date:	10/31/2023	Hearing Date:	09/12/2023
MassHealth's Rep.:	Anna Martinez	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Tewksbury 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 July 20, 2023, MassHealth notified the Appellant that his MassHealth benefits are being terminated on August 3, 2023 because MassHealth determined that the Appellant requested his health care benefits to be stopped. (130 CMR 502.009; Exhibit 1). The Appellant filed this appeal in a timely manner on August 2, 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 his MassHealth benefits are being terminated on August 3, 2023.

Issue

The appeal issue is whether MassHealth was correct in determining that the Appellant's benefits should be terminated.

Summary of Evidence

The MassHealth representative appeared at the hearing *via* telephone and testified as follows: MassHealth received the Appellant's renewal application in July of 2023. On the application, one question pertained to whether the Appellant was applying for MassHealth benefits. The Appellant did not respond to that question. As a result, MassHealth notified the Appellant that his coverage was being terminated because he did not indicate such on his renewal application. (Exhibit 1).

The Appellant appeared at the hearing telephonically and testified through an interpreter. He inquired how he could rectify the error. In response, the MassHealth representative explained that she could mail out another application to the Appellant so he could complete it in its entirety.¹ The MassHealth representative further explained that she could alternatively ask the Appellant to respond verbally to the questions that were not completed on his application. The Appellant responded to the questions posed to him by the MassHealth representative. The MassHealth representative testified that MassHealth also requested the Appellant's bank statements, which have not been received. The Appellant explained that he previously submitted his bank statements to MassHealth, but he will mail another copy. The MassHealth representative explained that she would process the Appellant's application and a notice will be mailed to him if further information is required by MassHealth. The Appellant expressed his appreciation.

Findings of Fact

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

1. The Appellant is over the age of 65. (Exhibit 3).
2. On July 20, 2023, MassHealth notified the Appellant that his coverage is being terminated on August 3, 2023. (Exhibit 1).
3. The Appellant timely appealed on August 2, 2023. (Exhibit 2).
4. The Appellant's renewal application that was received by MassHealth did not indicate whether the Appellant was applying for MassHealth benefits. (Testimony).
5. The Appellant's renewal application contained incomplete information. (Testimony).
6. The Appellant testified to the information that was not completed on his renewal application so it could be processed. (Testimony).

¹ The MassHealth representative testified that the Appellant's renewal application was missing other information as well.

7. MassHealth processed the Appellant's renewal application and will notify him by mail if additional information is required. (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 processed the Appellant's renewal application

after confirming the missing information contained therein. Moreover, the MassHealth representative testified that a notice would be mailed to the Appellant if any additional information is required. 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: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290