

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2306741
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
Jessica Ramirez



*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:	10/31/2023	Hearing Date:	09/12/2023
MassHealth's Rep.:	Jessica Ramirez	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 June 22, 2023, MassHealth notified the Appellant that her application for MassHealth benefits cannot be processed because MassHealth did not receive all requested information. (130 CMR 502.001; Exhibit 1). The Appellant filed this appeal in a timely manner on August 7, 2023. (130 CMR 610.015(B); Exhibit 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth notified the Appellant that her application for MassHealth benefits cannot be processed because all requested information was not received.

Issue

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

Summary of Evidence

The MassHealth representative appeared at the hearing *via* telephone and testified as follows: In June of 2023, MassHealth received the Appellant's new application. Her application was missing information. MassHealth notified the Appellant by mail that her application cannot be processed due to the missing information. (Exhibit 1). The information that was missing on the Appellant's new application pertained to the second person listed on her new application and her tax information. The MassHealth representative further testified that the Appellant previously applied for and is currently approved for MassHealth Standard coverage.¹

The Appellant appeared at the hearing telephonically and testified that the second person she listed to her new application is her son. She explained that he has medical issues and requires healthcare coverage. She further explained that her parents assisted with filling out the new application and if there was missing or incorrect information, she will rectify it. In response, the MassHealth representative testified that she would mail the Appellant another application and made inquiry about her tax information. The Appellant explained that her father claims her son for tax purposes. The MassHealth representative testified that because the Appellant's son is a tax dependent of the Appellant's father, the Appellant's son could be added to his MassHealth coverage but not her coverage. The Appellant testified that she would speak to her father and reiterated that another application would be mailed to her. The MassHealth representative testified that she would mail her an application and explained that the Appellant can opt to contact MassHealth if she has any questions upon receipt thereof.

Findings of Fact

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

1. The Appellant is under the age of 65. (Exhibit 2).
2. On or about June 22, 2023, MassHealth notified the Appellant that her new application cannot be processed due to missing information that was requested and not received. (Testimony; Exhibit 1).
3. The Appellant filed a timely appeal on August 7, 2023. (Exhibit 2).
4. A new application will be mailed to the Appellant. (Testimony).

Analysis and Conclusions of Law

¹ The Appellant's previously submitted application included the following information: household size of 1 with zero income and disabled.

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 explained that she would mail the Appellant another application that she could fill out in its entirety, if she so chooses. 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