

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2307488
<b>Decision Date:</b>	11/16/2023	<b>Hearing Date:</b>	09/29/2023
<b>Hearing Officer:</b>	Scott Bernard		

**Appearance for Appellant:**  
*Pro se via telephone*

**Appearance for MassHealth:**  
Elizabeth Nickoson (Taunton MEC) *via*  
telephone



*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>	Denied	<b>Issue:</b>	MassHealth Standard Income Limits; Under 65
<b>Decision Date:</b>	11/16/2023	<b>Hearing Date:</b>	09/29/2023
<b>MassHealth's Rep.:</b>	Elizabeth Nickoson	<b>Appellant's Rep.:</b>	<i>Pro se</i>
<b>Hearing Location:</b>	Taunton MassHealth Enrollment Center	<b>Aid Pending:</b>	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 27, 2023, MassHealth informed the appellant that it was ending her MassHealth Standard on August 31, 2023 because she no longer met the income requirements for that benefit.<sup>1</sup> (See 130 CMR 505.002 and Exhibit (Ex.) 1). The appellant filed this appeal by telephone in a timely manner on August 25, 2023. (See 130 CMR 610.015(B) and Ex. 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 ending her MassHealth Standard coverage after August 31, 2023 because she did not meet the income requirements for that benefit.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 505.002, in determining that the appellant was no longer eligible for MassHealth Standard.

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<sup>1</sup> Then notice also informed the appellant that she was also approved for Health Safety Net (HSN), which started on July 17, 2023. The HSN approval, however, was not the focus of the fair hearing.

## Summary of Evidence

The appellant is under the age of 65. (Ex. 3). Prior to August 31, 2023, received MassHealth Standard the appellant received MassHealth Standard as the parent of a child under 19. (Ex. 1; Ex. 3). The MassHealth representative stated that the appellant completed a renewal for her household on July 27, 2023. The appellant and her husband are married filing jointly and claim their minor son as a tax dependent. The sole reported income for the household is the appellant's husband's income, which is \$900 *per* week from employment. That income places the household at 183.24% of the federal poverty level (FPL), which means that the appellant is not eligible for MassHealth Standard. The appellant continues to retain her MassHealth Standard because it has been continued pending the resolution of this appeal. The appellant's husband is eligible for a ConnectorCare plan. The appellant's son is eligible for MassHealth Family Assistance. The MassHealth representative stated that the appellant would also likely be eligible for a ConnectorCare Plan.

The appellant stated that she and her family live in her mother's home. They pay for the mortgage on the house. The appellant stated that she is unable to work because of an injury to her right arm. She has applied for Social Security Disability, which is still pending. The appellant is supposed to go to her doctor in order to schedule surgery for some time in January 2024. The appellant has not had any income in over a year because of the injury. In addition to the mortgage, they have to pay for food and all amenities. The appellant was concerned that she would not be able to afford Connector insurance. The appellant was concerned that, given her family's living expenses, she would not be able to afford the cost of anything other than MassHealth.

The appellant and the MassHealth representative extensively discussed the appellant's other options. These included submitting a disability supplement with the object of becoming eligible for MassHealth CommonHealth as well as signing up for a ConnectorCare plan. The MassHealth representative informed the appellant that the Connector carries some of the same plans as MassHealth Standard.

## Findings of Fact

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

1. The appellant is under the age of 65. (Ex. 3).
2. Prior to August 31, 2023, received MassHealth Standard as the parent of a child under 19. (Ex. 1; Ex. 3).
3. The appellant completed a renewal for her household on July 27, 2023. (Testimony of the

MassHealth representative).

4. The appellant and her husband are married filing jointly and claim their minor son as a tax dependent. (Testimony of the MassHealth representative).
5. The sole reported income for the household is the appellant's husband's income, which is \$900 *per* week from employment. (Testimony of the MassHealth representative).
6. That income places the household at 183.24% of the FPL. (Testimony of the MassHealth representative).
7. The appellant continues to retain her MassHealth Standard because it has been continued pending the resolution of this appeal. (Testimony of the MassHealth representative).
8. The appellant's husband is eligible for a ConnectorCare plan. (Testimony of the MassHealth representative).
9. The appellant's son is eligible for MassHealth Family Assistance. The MassHealth representative stated that the appellant would also likely be eligible for a ConnectorCare Plan. (Testimony of the MassHealth representative).

## Analysis and Conclusions of Law

A parent of a child younger than 19 years old is eligible for MassHealth Standard coverage if the modified adjusted gross income of the MassHealth MAGI household is less than or equal to 133% of the FPL; the individual is a citizen<sup>2</sup>; the parent lives with their children, assuming primary responsibility for the child's care; and complies with the requirement to use potential health insurance benefits, enrolling in health insurance, including Medicare, if available at no greater cost to the applicant or member than they would pay without access to health insurance, or if purchased by MassHealth. (130 CMR 505.002(C)).

A preponderance of the evidence shows that the appellant is not eligible for MassHealth Standard. The appellant received MassHealth Standard as the parent of a child younger than 19. The income limit for MassHealth Standard under these circumstances is 133% of the FPL. The appellant's household income is at 183.24% of the FPL, which is over that income limit. Although the appellant credibly testified concerning the difficulties that losing her MassHealth Standard would cause, the regulations do not consider these as part of the eligibility determination. Although it is acknowledge that loss of MassHealth Standard may leave the appellant in some amount of uncertainty, there are other options, some of which the MassHealth representative described very well in her testimony.

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<sup>2</sup> As described in 130 CMR 504.002: U.S. Citizens.

For the above stated reasons, the appeal is DENIED.

## **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.

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Scott Bernard  
Hearing Officer  
Board of Hearings

cc:

Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780