

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2307929
Decision Date:	11/16/2023	Hearing Date:	10/05/2023
Hearing Officer:	Kimberly Scanlon		

Appearance for Appellant:
Via telephone
Pro se

Appearance for MassHealth:
Via telephone
Mayra Vasquez



*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; Annual Renewal
Decision Date:	11/16/2023	Hearing Date:	10/05/2023
MassHealth's Rep.:	April McAllister	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Tewksbury MassHealth Enrollment Center Room 3 (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 12, 2023, MassHealth notified the Appellant that her MassHealth benefits were being terminated on August 26, 2023 because she did not complete the annual eligibility renewal application within the allowed time. (130 CMR 502.007; Exhibit 1). The Appellant filed this appeal in a timely manner on or about August 28, 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 benefits were being terminated because she did not complete the annual eligibility renewal application within the allowed time.

Issue

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

Summary of Evidence

The MassHealth representative appeared at the hearing *via* telephone and testified as follows: the reason that the Appellant received a termination notice is because MassHealth did not receive her annual renewal application within the allowed time. (See, Exhibit 1). The MassHealth representative explained that the renewal application was mailed to the Appellant in June of 2023.

The Appellant appeared at the hearing telephonically and testified that she received the renewal application and completed it online, prior to the termination date. In response, the MassHealth representative testified that nothing further was received from the Appellant, after checking her case file. She explained that the Appellant can still opt to renew her application online or she can send another copy of the application to the Appellant by mail. The Appellant testified that she has an upcoming appointment with MassHealth to assist her with renewing her application. She accepted the MassHealth representative's offer to mail her another application as well and confirmed her change of address.

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 August 12, 2023, MassHealth notified the Appellant that her MassHealth benefits were terminating on August 26, 2023 because she did not complete the annual eligibility renewal application within the allowed time. (Exhibit 1).
3. The Appellant timely appealed on or about August 28, 2023. (Exhibit 2).
4. The Appellant filled out her renewal application online prior to the termination date. (Testimony).
5. MassHealth did not receive the Appellant's renewal application. (Testimony).
6. The Appellant has an upcoming appointment with MassHealth to assist her with renewing her application. (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 testified that the issue here is that MassHealth did not receive the Appellant's annual eligibility renewal application. The Appellant testified that she has an upcoming appointment with MassHealth to assist her with the renewal process. 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