

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2307933
<b>Decision Date:</b>	11/17/2023	<b>Hearing Date:</b>	10/05/2023
<b>Hearing Officer:</b>	Kimberly Scanlon		

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

**Appearance for MassHealth:**  
*Via telephone*  
Scarlis Javier



*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>	Dismissed	<b>Issue:</b>	Eligibility; Under 65; Over income
<b>Decision Date:</b>	11/17/2023	<b>Hearing Date:</b>	10/05/2023
<b>MassHealth's Rep.:</b>	Scarlis Javier	<b>Appellant's Rep.:</b>	<i>Pro se</i>
<b>Hearing Location:</b>	Tewksbury MassHealth Enrollment Center Room 3 (Remote)	<b>Aid Pending:</b>	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 24, 2023, MassHealth notified the Appellant that his MassHealth benefits were terminating on September 30, 2023 because MassHealth determined that he was over the allowable income limits. (130 CMR 506.007; Exhibit 1). The Appellant filed this appeal in a timely manner on September 6, 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 benefits were being terminated because he was over the allowable income limits.

### Issue

The appeal issue is whether MassHealth was correct in determining that the Appellant is over the allowable income limits.

## Summary of Evidence

The MassHealth representative appeared at the hearing *via* telephone and testified as follows: the Appellant's household consists of a family size of one (1). The Appellant was approved for MassHealth CarePlus coverage in July of 2023. She further testified that in August of 2023, MassHealth received access to employer-sponsored health insurance information on behalf of the Appellant, which was processed. The MassHealth representative explained that the Appellant reported to have seasonal employment, however, this information was incorrectly processed by MassHealth. The MassHealth representative inquired whether the Appellant is seasonally employed.

The Appellant appeared at the hearing telephonically and testified that typically, he is employed for the months of July and August. In response, the MassHealth representative updated the Appellant's income and employment information. Upon doing so, she explained that the Appellant's MassHealth CarePlus benefits have been reinstated. The MassHealth representative testified that the Appellant's coverage was also back-dated so there would not be a gap and apologized for the error made by MassHealth. The Appellant expressed his appreciation. Upon inquiry, the MassHealth representative explained that the Appellant will receive an approval notice by mail.

## 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. On or about August 12, 2023, MassHealth notified the Appellant that his MassHealth benefits were terminating on September 30, 2023 because he was over the allowable income limits. (Exhibit 1).
3. The Appellant timely appealed on September 6, 2023. (Exhibit 2).
4. The Appellant is employed for the months of July and August. (Testimony).
5. MassHealth incorrectly entered the Appellant's employment information. (Testimony).
6. MassHealth confirmed the Appellant's correct income and employment information and reinstated his coverage to MassHealth CarePlus. (Testimony).
7. The Appellant's MassHealth CarePlus benefits was backdated so there would not be a gap in

his coverage. (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 Appellant's employment information was incorrectly entered upon receipt. The MassHealth representative corrected this error and reinstated the Appellant's benefits. 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.

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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