

# Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2308458
Decision Date:	12/11/2023	Hearing Date:	10/16/2023
Hearing Officer:	Kimberly Scanlon		

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

Appearance for MassHealth:  
*Via telephone*  
Pamela Filipe



*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; Over 65; Renewal
<b>Decision Date:</b>	12/11/2023	<b>Hearing Date:</b>	10/16/2023
<b>MassHealth's Rep.:</b>	Pamela Filipe	<b>Appellant's Rep.:</b>	<i>Pro se</i>
<b>Hearing Location:</b>	Taunton MassHealth Enrollment Center Room 2 (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 September 7, 2023, MassHealth notified the Appellant that her MassHealth benefits were terminating on September 21, 2023 because MassHealth determined that the Appellant did not return the eligibility renewal form. (130 CMR 502.007; Exhibit 1). The Appellant filed this appeal in a timely manner on September 11, 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 terminating because she did not return her eligibility review form to MassHealth.

### Issue

The appeal issue is whether MassHealth was correct in notifying the Appellant that her coverage was terminating because she did not return her eligibility review form.

## Summary of Evidence

The MassHealth representative appeared at the hearing *via* telephone and testified as follows: The Appellant is over the age of 65 and resides in a household of one (1). On September 7, 2023, MassHealth notified the Appellant that her coverage was terminating on September 21, 2023, for failure to return the eligibility review form to MassHealth. (Exhibit 1). On September 13, 2023, MassHealth mailed the Appellant a request for information for additional documentation to determine the Appellant's eligibility.

The Appellant appeared at the hearing telephonically and testified that she submitted her application in a timely manner. She expressed her frustration with the confusing language that is contained within the MassHealth notices. As to the additional documentation that was requested by MassHealth, the Appellant made inquiry whether she could submit said documentation in-person.<sup>1</sup> The MassHealth representative explained that she could so and reminded her to bring the pertinent documentation, as requested in the September 13, 2023 notice, so that MassHealth could determine her eligibility.<sup>2</sup> She next made inquiry as to the Appellant's income and explained exactly what documentation the Appellant must submit (or bring with her in-person) so that MassHealth can finalize the eligibility process on her behalf. The MassHealth representative suggested that the Appellant contact a SHINE representative to assist her with submitting the necessary documentation.<sup>3</sup> The Appellant expressed her appreciation for the additional information.

## 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 September 7, 2023, MassHealth notified the Appellant that her coverage was terminating on September 21, 2023, because she did not return the eligibility review form. (Testimony; Exhibit 1).
3. The Appellant timely appealed on September 11, 2023. (Exhibit 2).
4. The Appellant can submit the requested documentation in-person for MassHealth to finalize the eligibility process. (Testimony).

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<sup>1</sup> The Taunton MassHealth Enrollment Center is located at 21 Spring Street, Unit 2, in Taunton, MA.

<sup>2</sup> The MassHealth representative testified at the hearing that the first application submitted by the Appellant was for Senior Buy-in benefits only. To ascertain whether the Appellant qualifies for additional coverage, she must submit the requested documentation (outlined in the September 13, 2023 notice) to MassHealth.

<sup>3</sup> The telephone number for SHINE is [REDACTED]

## 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 additional documentation is needed from the Appellant to finalize the eligibility process. The Appellant testified that she would submit the requested documentation. 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: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780, 508-828-4616