

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2309019
Decision Date:	11/13/2023	Hearing Date:	11/10/2023
Hearing Officer:	Scott Bernard		

Appearance for Appellant:




Appearance for MassHealth:

Georges Jorceline (Charlestown 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

Appeal Decision:	Dismissed	Issue:	Under 65 – MassHealth Standard – Coverage Start Date
Decision Date:	11/13/2023	Hearing Date:	11/10/2023
MassHealth's Rep.:	Georges Jorceline	Appellant's Rep.:	
Hearing Location:	Charlestown MassHealth Enrollment Center		

Jurisdiction

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Through a notice dated September 27, 2023, MassHealth approved the appellant for MassHealth Standard as of September 17, 2023. (See 130 CMR 502.006 and Exhibit (Ex.) 1). The appellant, through his representative¹, filed this appeal in a timely manner² on September 28, 2023. (See 130 CMR 610.015(B) and Ex. 2). Determination of the coverage start date is valid grounds for appeal. (See 130 CMR 610.032). Based on testimony from the appellant's representative, verified through an examination of scanned documents that MassHealth possessed, the MassHealth representative agreed to change the coverage start date to June 13, 2023, the date that the appellant requested in his application. (See Ex. 7). The appellant's representative and the appellant both stated that they were satisfied with this result.

¹ The fair hearing request was submitted by telephone by the individual the appellant eventually named his representative but was not "signed" or otherwise endorsed by the appellant. (See Ex. 2). For that reason, the Board of Hearings sent the appellant a letter requesting that he sign an enclosed form or submit written authorization authorizing the appeal or naming an individual to do so for him on September 29, 2023. (Ex. 4). On September 29, 2023, On October 10, 2023, the appellant responded with a signed fair hearing request as well as a power of attorney both naming the appellant's representative as his representative. (Ex. 5).

² Timeliness was determined based on the telephone fair hearing request rather than the later documentation. (Ex. 2).

MassHealth may make an adjustment in the matters at issue before or during an appeal period. (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 610.035³ as to all resolved issues, noting as the reason for such dismissal that the parties have reached agreement in favor of the appellant. (Id.). The sole issue before this hearing officer concerned the coverage start date. In the hearing, MassHealth was able to approve the requested coverage start date of June 13, 2023. The sole issue before the hearing officer was therefore resolved in the appellant's favor.

For the above stated reasons, this appeal is DISMISSED.

Order for MassHealth

If it has not done so already, MassHealth should issue notice approving the appellant for MassHealth Standard beginning on June 13, 2023. MassHealth need not include appeal rights.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

Nga Tran, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129

³ 130 CMR 610.035 contains all the reasons that BOH will dismiss a request for a hearing, which include when BOH learns of an adjustment or action that resolves all of the issues in dispute between the parties. (See 130 CMR 610.035(A)(8)).