

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2309198
Decision Date:	11/27/2023	Hearing Date:	10/30/2023
Hearing Officer:	Mariah Burns	Record Open to:	11/13/2023

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Jessica Ramirez, Tewksbury MassHealth
Enrollment Center

Interpreter:



*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:	Denied	Issue:	Under 65; Verifications; Residency
Decision Date:	11/27/2023	Hearing Date:	10/30/2023
MassHealth's Rep.:	Jessica Ramirez	Appellant's Rep.:	Pro se
Hearing Location:	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 September 17, 2023, MassHealth terminated the appellant's MassHealth benefits for failure to provide proof of residency. *See* 130 CMR 502.003 and Exhibit 1. The appellant filed this appeal in a timely manner on September 29, 2023. *See* 130 CMR 610.015(B) and Exhibit 2). Termination of benefits is valid grounds for appeal. *See* 130 CMR 610.032(A)(3).

Action Taken by MassHealth

MassHealth terminated the appellant's MassHealth benefits for failure to provide proof of residency.

Issue

The appeal issue is whether MassHealth correctly terminated the appellant's benefits.

Summary of Evidence

The appellant is an adult under the age of 65 and was a MassHealth member prior to the issuance

of the appealed notice and was assisted at hearing by a Spanish speaking interpreter. MassHealth was represented by a worker from the Tewksbury MassHealth Enrollment Center. All parties appeared by telephone. At hearing, MassHealth representative reported that the appellant did not submit with his annual renewal any documents providing proof of residency within the Commonwealth. Such documents could include a utility bill, a self-attestation, or a notarized letter. The record was kept open until November 13, 2023, to afford the appellant time to provide that documentation in order to reinstate his benefits. As of the issuance of this decision, the appellant has failed to provide any documentation.

Findings of Fact

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

1. The appellant is an adult over the age of 65 who, prior to the issuance of the appealed notice, was a MassHealth member. Testimony, Exhibit 1, Exhibit 4.
2. The appellant underwent his annual eligibility renewal prior to September 17, 2023. Testimony.
3. On September 17, 2023, MassHealth terminated the appellant's benefits for failure to provide proof of residency within the Commonwealth. Exhibit 1.
4. The appellant filed a timely request for fair hearing on September 28, 2023. Exhibit 2.
5. After hearing, the record was kept open until November 13, 2023, to afford the appellant an opportunity to provide the appropriate proof of residency, such as a utility bill or a self-attestation of his address. Testimony.
6. As of the issuance of this decision, the appellant has provided no such documentation to either MassHealth or the Board of Hearings. Exhibit 6.

Analysis and Conclusions of Law

MassHealth members are required to "cooperate with the MassHealth agency in providing information necessary to establish and maintain eligibility..." 130 CMR 501.010(A). After receiving an application for benefits, MassHealth proceeds as follows:

The MassHealth agency requests all corroborative information necessary to determine eligibility...The applicant must supply information within 90 days of the receipt of the Request for Information Notice...If the necessary information is not received within 90 days...the MassHealth agency will

attempt to redetermine eligibility using electronic data sources, if available, but if such information is not available from these sources, the applicant's MassHealth benefits will be denied or terminated.

130 CMR 502.00-21(B)-(D). As a condition of eligibility "an applicant must be a resident of the Commonwealth of Massachusetts." 130 CMR 503.002.

Here, the appellant did not provide updated residency documentation showing that he is still living in the Commonwealth as requested by MassHealth. As MassHealth is unable to verify his address without an up-to-date document such as a utility bill or a residency attestation, MassHealth was within its discretion to terminate the appellant's benefits to failure to provide such documents. For the foregoing reasons, the appeal is hereby DENIED. The appellant may reapply for benefits at any time.

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.

Mariah Burns
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290