

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Approved	<b>Appeal Number:</b>	2309202
<b>Decision Date:</b>	01/16/2024	<b>Hearing Date:</b>	10/31/2023
<b>Hearing Officer:</b>	Emily Sabo	<b>Record Open to:</b>	11/21/2023

**Appearance for Appellant:**  
Pro se

**Appearance for MassHealth:**  
Lorenzo Paulino De La Cruz, Quincy MEC



*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>	Approved	<b>Issue:</b>	Eligibility; Under 65; MassHealth CarePlus
<b>Decision Date:</b>	01/16/2024	<b>Hearing Date:</b>	10/31/2023
<b>MassHealth's Rep.:</b>	Lorenzo Paulino De La Cruz, Quincy MEC	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Quincy Harbor South (Virtual)	<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 29, 2023, MassHealth denied the Appellant's application for MassHealth benefits because MassHealth determined that the Appellant's income is too high (see 130 CMR 506.007(B), 130 CMR 502.003, and Exhibit 1). The Appellant filed this appeal in a timely manner on October 2, 2023 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

### Action Taken by MassHealth

MassHealth denied the Appellant's application for MassHealth benefits.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 505.008, in determining that the Appellant did not qualify for MassHealth CarePlus based on her income.

### Summary of Evidence

The hearing was held virtually. The MassHealth representative testified that the Appellant is an adult between the ages of 21-64 and that she has a household size of one. The MassHealth representative testified that the Appellant has a monthly gross income of \$1,722.77, which is 136.79% of the federal poverty level. The MassHealth representative testified that the upper income limit to qualify for MassHealth CarePlus is 133% of the federal poverty level, which is a monthly income of \$1,616 for a household size of one.

The Appellant verified her identity and testified that she is paid on an hourly basis and her income varies. Because it depends on the number of hours she is assigned to work, she does not earn \$1,722.77 on a consistent, monthly basis. The Appellant testified that based on her October 27, 2023, pay stub, she has earned \$15,200 in gross income for the year thus far.

The record was held open until November 8, 2023, for the Appellant to provide verification of her actual income, and until November 15, 2023 for MassHealth to review and respond. On November 7, 2023, the Appellant sought and was granted an extension until November 14, 2023, to submit the information. MassHealth was granted an extension until November 21, 2023, to review and respond. The Appellant submitted a pay stub, dated 9/29/2023, indicating that her year-to-date gross earnings were \$13,205. Exhibit 5 at 1. The MassHealth representative reviewed the materials and stated that there was not a change to the Appellant's eligibility status.

## **Findings of Fact**

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

1. The Appellant is an adult between the ages of 21-64 and has a household size of one (Testimony).
2. The Appellant is paid on an hourly basis and her income varies depending on the number of hours that she is assigned to work (Testimony).
3. As of September 29, 2023, the Appellant earned \$13,205 year to date in gross earnings (Exhibit 5 at 1).
4. In 2023, 133% of the federal poverty level corresponds to a monthly income of \$1,616 for a household of one (Testimony).

## **Analysis and Conclusions of Law**

The MassHealth regulations provide for eligibility for MassHealth CarePlus at 130 CMR 505.008(A):

(A) Overview.

- (1) 130 CMR 505.008 contains the categorical requirements and financial standards for MassHealth CarePlus. This coverage type provides coverage to adults 21 through 64 years old.
- (2) Persons eligible for MassHealth CarePlus Direct Coverage are eligible for medical benefits, as described in 130 CMR 450.105(B): MassHealth CarePlus and 130 CMR 508.000: MassHealth: Managed Care Requirements and must meet the following conditions.
  - (a) The individual is an adult 21 through 64 years old.
  - (b) The individual is a citizen, as described in 130 CMR 504.002: U.S. Citizens, or a qualified noncitizen, as described in 130 CMR 504.003(A)(1): Qualified Noncitizens.
  - (c) The individual's modified adjusted gross income of the MassHealth MAGI household is less than or equal to 133% of the federal poverty level.
  - (d) The individual is ineligible for MassHealth Standard.
  - (e) The adult complies with 130 CMR 505.008(C).
  - (f) The individual is not enrolled in or eligible for Medicare Parts A or B.

130 CMR 505.008(A).

To be eligible for MassHealth CarePlus, under 130 CMR 505.008(A)(2)(c), an individual's modified adjusted gross income of the MassHealth MAGI household must be less than or equal to 133% of the federal poverty level.

Under 130 CMR 506.003, MassHealth regulations describe countable household income:

506.003: Countable Household Income

Countable household income includes earned income described in 130 CMR 506.003(A) and unearned income described in 130 CMR 506.003(B) less deductions described in 130 CMR 506.003(D).

(A) Earned Income.

- (1) Earned income is the total amount of taxable compensation received for work or services performed less pretax deductions. Earned income may include wages, salaries, tips, commissions, and bonuses.

....

- (4) Seasonal income or other reasonably predictable future income is taxable income derived from an income source that may fluctuate during the year. Annual gross taxable income is divided by 12 to obtain a monthly taxable gross income with the following exception: if the applicant or member has a disabling illness or accident during or after the seasonal employment or other reasonably predictable future income period that prevents the

person's continued or future employment, only current taxable income will be considered in the eligibility determination.

130 CMR 506.003(A).

I credit the Appellant's testimony that her income fluctuates due to the nature of her being assigned varied hourly shifts. I find that the Appellant earned \$13,205 for the first nine months of 2023. Exhibit 5 at 1. Accordingly, I find that her average monthly taxable gross income is \$1,467.22 ( $\$13,205 / 9 = \$1,467.22$ ). 130 CMR 506.003(A)(4). Because this is less than the \$1,616 monthly limit, which is equivalent to 133% of the federal poverty level for a household of one, I find that the Appellant is eligible for MassHealth CarePlus and her appeal is approved.<sup>1</sup>

## Order for MassHealth

Rescind the notice dated September 29, 2023 and approve the Appellant's application for MassHealth CarePlus retroactive 10 days prior to the date of the application or review.

## 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.

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Emily Sabo  
Hearing Officer  
Board of Hearings

cc: MassHealth Representative: Quincy MEC, Attn: Appeals Coordinator

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<sup>1</sup> The Appellant is reminded of 130 CMR 501.010 outlining the responsibilities of applicants and members. Specifically, 130 CMR 501.010(B) states: "Responsibility to Report Changes. The applicant or member must report to the MassHealth agency, within ten days or as soon as possible, changes that may affect eligibility. Such changes include, but are not limited to, income, the availability of health insurance, and third-party liability." Therefore, she is responsible for timely reporting changes to MassHealth.