

# Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2309241
Decision Date:	11/13/2023	Hearing Date:	10/31/2023
Hearing Officer:	Kimberly Scanlon		

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

**Appearance for MassHealth:**  
*Via telephone*  
Sophia Beauport-Lafontant;  
Maria Varela (observing)



*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
<b>Decision Date:</b>	11/13/2023	<b>Hearing Date:</b>	10/31/2023
<b>MassHealth's Rep.:</b>	Sophia Beauport-Lafontant	<b>Appellant's Rep.:</b>	<i>Pro se</i>
<b>Hearing Location:</b>	Charlestown MassHealth Enrollment Center - Room 1 (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 18, 2023, MassHealth denied the Appellant's request for benefits because MassHealth determined that she did not complete the correct application. (130 CMR 501.002(B); Exhibit 1). The Appellant filed this appeal in a timely manner on September 26, 2023. (130 CMR 610.015(B); Exhibit 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

### Action Taken by MassHealth

MassHealth denied the Appellant's request for benefits because she did not submit the correct application.

### Issue

The appeal issue is whether MassHealth was correct in denying the Appellant's request for benefits because she did not complete the correct application.

## Summary of Evidence

The MassHealth representative appeared at the hearing *via* telephone and testified as follows: The notice on appeal was sent to the Appellant to notify her that the wrong application was completed. (See, Exhibit 1). The MassHealth representative explained that the Appellant subsequently submitted the correct (senior) application to MassHealth, which was then processed. She further explained that a request for additional information was sent to the Appellant pertaining to bank account and pension statements. The MassHealth representative testified that the Appellant's bank account statements were received, however, MassHealth has not received the Appellant's pension statement.

The Appellant appeared at the hearing telephonically and made inquiry as to whether MassHealth needs the monthly amount that she receives. In response, the MassHealth representative testified that the Appellant must submit her pension statement (either by paystub or by letter) to MassHealth that states the monthly amount that the Appellant receives. She further explained that this is the only documentation pending for MassHealth to make a full determination.

The Appellant testified that she would submit her pension statement and made inquiry as to whether she could fax it to MassHealth.<sup>1</sup> The MassHealth representative explained that she could do so and reminded the Appellant to include her name, date of birth and social security number or MassHealth Identification number on any submission. The Appellant expressed her appreciation.

## 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 or about September 18, 2023, MassHealth denied the Appellant's request for benefits because she did not complete the correct application. (Testimony; Exhibit 1).
3. The Appellant timely appealed on September 26, 2023. (Exhibit 2).
4. MassHealth subsequently received the correct application from the Appellant. (Testimony).
5. The Appellant's monthly pension statement is the only documentation pending for MassHealth to make a determination. (Testimony).

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<sup>1</sup> The MassHealth representative explained that the pertinent fax number is [REDACTED]

6. The Appellant will fax the requested information to MassHealth. (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 correct application was subsequently received, and the Appellant's pension statement is the only documentation pending before MassHealth to make a determination. The Appellant testified that she would fax the

pertinent documentation to MassHealth to rectify the issue. 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: Nga Tran, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129