

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2309679
<b>Decision Date:</b>	11/17/2023	<b>Hearing Date:</b>	11/16/2023
<b>Hearing Officer:</b>	Scott Bernard		

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

**Appearance for MassHealth:**  
Patricia Donovan (Quincy MEC) via telephone  
Sarah Prado (Premium Assistance) 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

<b>Appeal Decision:</b>	Dismissed	<b>Issue:</b>	Under 65/Premium Assistance
<b>Decision Date:</b>	11/17/2023	<b>Hearing Date:</b>	11/16/2023
<b>MassHealth's Rep.:</b>	Patricia Donovan; Sarah Prado	<b>Appellant's Rep.:</b>	<i>Pro se</i>
<b>Hearing Location:</b>	Quincy Harbor South		

### 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 informed the appellant that, since she had insurance through her employment, she and three other members of the household had to enroll in this insurance by November 26, 2023 or her benefits might end. (See 130 CMR 506.012 and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on October 12, 2023. (See 130 CMR 610.015(B) and Ex. 2). Any MassHealth action to suspend, reduce, terminate, or restrict a member's assistance is valid grounds for appeal. (See 130 CMR 610.032). At the hearing, the appellant, the MassHealth representative, and the Premium Assistance representative stated that the appellant was no longer required to enroll in an employer's health insurance plan since she had become unemployed since the date that MassHealth issued the notice under appeal.

MassHealth may make an adjustment in the matters at issue before or during an appeal period. (130 CMR 610.051(B)). If the 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<sup>1</sup> 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 in dispute concerned the imposition of the requirement to enroll in an employer's insurance plan. Since the appellant is no longer employed, this requirement is moot and therefore resolves this issue in the appellant's favor.

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<sup>1</sup> Which also states that BOH will dismiss a request for a hearing when it learns of an adjustment or action that resolves all of the issues in dispute between the parties. (130 CMR 610.035(A)(8)).

For the above stated reasons, the appeal is DISMISSED.

## **Order for MassHealth**

None.

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Scott Bernard  
Hearing Officer  
Board of Hearings

cc:

Quincy MEC, Attn: Appeals Coordinator, 100 Hancock Street, 6th Floor, Quincy, MA 02171

Premium Assistance, UMASS – Schrafft’s Center, 529 Main St., 3<sup>rd</sup> Floor, Charlestown, MA 02129