

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2310614
Decision Date:	1/9/2024	Hearing Date:	12/01/2023
Hearing Officer:	Thomas Doyle	Record Open to:	12/15/23

Appearance for Appellant:



Appearance for MassHealth:

Meghan Adie, Tewksbury MEC

Interpreter:



¹ The appeal representative waived the presence of appellant and the Spanish 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:	Eligibility; Verifications; Over 65
Decision Date:	1/9/2024	Hearing Date:	12/01/2023
MassHealth's Rep.:	Meghan Adie	Appellant's Rep.:	
Hearing Location:	Remote (phone)	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 October 10, 2023, MassHealth notified appellant she was not eligible for MassHealth because appellant failed to provide the information MassHealth needed to decide her eligibility. (Ex. 1). The appellant filed this appeal in a timely manner on October 22, 2023. (Ex. 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth notified appellant she is not eligible for MassHealth benefits because she did not submit the information it needs to decide her eligibility within the required time frame.

Issue

Whether MassHealth was correct in denying appellant's application for MassHealth benefits.

Summary of Evidence

The MassHealth worker (worker), and the appeal representative (appeal rep), appeared by telephone and were sworn. MassHealth denied appellant's application because the following information has not been received: it was unclear on the application if appellant had a checking or savings account. The appeal rep testified that appellant did have a checking account. The worker also stated MassHealth needed verification that appellant resided in Massachusetts. The record was left open for the appeal rep to provide information about the checking account and information showing Massachusetts residency. (Testimony; Ex. 6). When the record open period closed, the worker indicated she had not received any verifications. (Ex. 7).

The appeal rep testified that appellant did have a checking account and she understood she needed to provide proof appellant resided in Massachusetts.²

Findings of Fact

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

1. The appellant filed an application for MassHealth benefits. (Testimony).
2. There was missing information needed to approve the application, specifically, information on a checking account and proof of Massachusetts residency. (Testimony).
3. On October 10, 2023, MassHealth denied the application because the appellant failed to submit all the requested verifications. (Testimony; Ex. 1)
4. Despite the opportunity to submit the missing verifications following the appeal hearing during a record open period, appellant failed to provide the missing information. (Ex. 6; Ex. 7).

Analysis and Conclusions of Law

The appellant has the burden "to demonstrate the invalidity of the administrative determination." Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228 (2007).

502.003: Verification of Eligibility Factors

The MassHealth agency requires verification of eligibility factors including income,

² For the hearing, the appeal rep was appointed by appellant on the Fair Hearing Request Form. (Ex. 2). The worker requested appellant fill out an Authorized Representative Form, which the worker would send to the appeal rep, so the appeal rep would be authorized to send in verifications on behalf of appellant.

residency, citizenship, immigration status, and identity as described in 130 CMR 503.000: *Health Care Reform: MassHealth: Universal Eligibility Requirements*, 504.000: *Health Care Reform: MassHealth: Citizenship and Immigration*, and 506.000: *Health Care Reform: MassHealth: Financial Requirements*.

...

(D) Time Standards. The following time standards apply to the verification of eligibility factors.

(1) The applicant or member has 90 days from the receipt of the Request for Information Notice to provide all requested verifications.

(2) If the applicant or member fails to provide verification of information within 90 days of receipt of the MassHealth agency's request, the MassHealth agency does one of the following.

(a) If the required information is available from electronic data sources, the MassHealth agency uses that information to redetermine eligibility.

(b) If the required information is not available from electronic data sources, MassHealth coverage is denied or terminated except for individuals described at 130 CMR 502.001(D)(1) through (4).

(c) If the required verifications are received within one year from the date the application or renewal form was received, coverage is reinstated to a date ten days before the receipt of the verifications.

(d) If the required verifications are not received within one year of receipt of the previous application or renewal form, a new application must be completed.

In this case, despite being given additional time following the appeal hearing to submit the outstanding documentation, namely, information regarding a checking account and proof of Massachusetts residency, the appellant did not submit all required verifications to MassHealth or the hearing officer in a timely manner. Further, the appellant did not request additional time to submit the missing documentation.

Accordingly, this appeal is DENIED.

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.

Thomas Doyle
Hearing Officer
Board of Hearings

cc:

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