

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2310862
<b>Decision Date:</b>	12/12/2023	<b>Hearing Date:</b>	12/04/2023
<b>Hearing Officer:</b>	Mariah Burns		

**Appearance for Appellant:**  
Pro se

**Appearance for MassHealth:**  
Anna Martinez, 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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Over 65; Eligibility; Income
<b>Decision Date:</b>	12/12/2023	<b>Hearing Date:</b>	12/04/2023
<b>MassHealth's Rep.:</b>	Anna Martinez	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	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 October 23, 2023, MassHealth approved the appellant for the Senior Buy-In, finding that his income exceeded the limit to qualify for MassHealth Standard. *See* 130 CMR 520.002 and Exhibit 1. The appellant filed this appeal in a timely manner on November 3, 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 approved the appellant for the Senior Buy-In, but not for MassHealth Standard

### Issue

The appeal issue is whether MassHealth correctly calculated the appellant's incoming in determining his ineligibility for MassHealth Standard.

### Summary of Evidence

The appellant is a single adult who has been receiving benefits through the Senior Buy-In since

turning 65. MassHealth was represented by a worker from the Tewksbury MassHealth Enrollment Center. All parties appeared by telephone. The following is a summary of the testimony and evidence provided at hearing:

The MassHealth representative testified that the appellant submitted his renewal application for senior benefits on August 23, 2023, and, upon completing the verification process, was determined to be eligible for the Senior Buy-In. MassHealth was able to verify the appellant's monthly income as \$1708.00; he receives \$1184.00 in Social Security benefits, \$165.00 in a pension, and \$358.83 from a rental property. This equates to approximately 140% of the federal poverty level for a household of one. 100% of the federal poverty level for a household of one equates to \$1215.00 in monthly income.

The appellant reported that the property was sold seven years ago and that he does not receive income from it any longer. He agreed with the calculation of his Social Security and pension income, testifying that his monthly income is \$1349.00.

## **Findings of Fact**

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

1. The appellant is a single adult over the age of 65 who has been active on the Senior Buy-In for several years. Exhibit 4, Testimony.
2. MassHealth verified the appellant's monthly income to be \$1708.00 from social security, a pension, and rental income. Testimony.
3. On October 23, 2023, MassHealth approved the appellant for the Senior Buy-In, but not MassHealth Standard. Exhibit 1.
4. The appellant filed a timely appeal on November 3, 2023. Exhibit 2.
5. The appellant contends that his monthly income is \$1349.00. Testimony.

## **Analysis and Conclusions of Law**

MassHealth administers and is responsible for delivery of healthcare benefits to MassHealth members. See 130 CMR 515.002. Eligibility for MassHealth benefits differs depending on an applicant's age. 130 CMR 515.000 through 522.000 (referred to as Volume II) provide the requirements for non-institutionalized persons aged 65 or older, institutionalized persons of any age, persons who would be institutionalized without community-based services, as, and certain Medicare beneficiaries. 130 CMR 515.002(B). As the appellant is over 65 years old, she

is subject to the requirements of the provisions of Volume II. 130 CMR 515.002.

To determine a senior's eligibility for MassHealth, the total countable-income amount and countable assets of the individual are compared to an income standard and asset limit. An individual who is eligible for Medicare Parts A and B must possess an income that is "less than or equal to 100% of the federal poverty level." 130 CMR 519.002(A)(4)(c). The current MassHealth federal poverty level standards can be found on its website, and 100% of the federal poverty level for a single person is \$1215.00 in monthly income.<sup>1</sup>

In this case, MassHealth verified the appellant's monthly income to be \$1708.00. The appellant challenges this calculation but contends that his income is \$1349.00. As these figures both exceed 100% of the federal poverty level, MassHealth correctly determined that the appellant does not qualify for MassHealth Standard benefits and properly placed the appellant on the Senior Buy-In. Therefore, MassHealth did not err in issuing the October 23, 2023, notice, and the 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.

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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

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<sup>1</sup> <https://www.mass.gov/doc/2023-masshealth-income-standards-and-federal-poverty-guidelines-0/download>.