

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2310970
Decision Date:	12/4/2023	Hearing Date:	11/21/2023
Hearing Officer:	Marc Tonaszuck		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Raybryanna Dasher



*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/Over 65
Decision Date:	12/4/2023	Hearing Date:	11/21/2023
MassHealth's Rep.:	Raybryanna Dasher	Appellant's Rep.:	Pro se
Hearing Location:	Taunton MassHealth Enrollment Center	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 10/03/2023, MassHealth informed the appellant that it decided he was not eligible for MassHealth benefits because he had more countable income and assets than MassHealth benefits allow (see 130 CMR 520.001, 520.028, 520.003, 520.004 and Exhibit 1). The appellant filed this appeal in a timely manner on 11/06/2023 (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 because his income and assets exceed the program limits.

Issue

The appeal issue is whether MassHealth was correct in determining that the appellant is not eligible for MassHealth benefits because his income and assets exceed the program limits.

Summary of Evidence

Exhibits 1-4 were admitted into evidence. Parties participated in the fair hearing telephonically.

The MassHealth representative testified that the appellant is over 65 years of age and he lives in the community. He is counted as a household of one for the purposes of MassHealth eligibility. He filed an application for senior benefits on 07/24/2023. According to the information provided and verified, the appellant has gross income is \$7,281.00 per month, derived as follows: \$1,967.00 from social security; \$5,324.80 from self-employment. He has assets in the amount of \$13,434.00 (life insurance - \$9,661.71; bank accounts – 372.40; and securities - \$3,402.40).

MassHealth testified that the appellant's income is over 100% of the federal poverty level (\$1,215.00 for a family group of one as of 03/2023) and his assets exceed \$2,000.00. As a result, his application for MassHealth senior benefits was denied. He is also not eligible for the Health Safety Net because his income exceeds 300% of the federal poverty level.

The MassHealth notice also states that if the appellant lowers his assets to less than \$2,000.00, he is over income to receive MassHealth Standard benefits without meeting a deductible of \$18,426.00 for the deductible period of 07/01/2023 to 01/01/2024. The appellant can submit qualifying medical bills to MassHealth (paid out of pocket or incurred after other insurance).

The appellant appeared at the hearing and testified that he thought MassHealth's rules were "absurd." He asserted that he spoke with a woman named "Dottie" who informed him that he could make up to \$65,000.00 per year and still qualify for MassHealth. He complained that he thought MassHealth workers did not work during Covid and that they stayed home and collected their paychecks without working. He also stated that he can never get correct information from MassHealth about eligibility requirements. He challenged his income amounts as calculated by MassHealth.

The appellant submitted no documentary evidence to the hearing record to verify his income or assets.

Findings of Fact

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

1. Appellant is over 65 years of age and lives in the community. For the purposes of MassHealth eligibility, the appellant is a member of a household of one (Testimony).
2. Appellant's gross monthly income is \$7,281.00 per month, derived as follows: \$1,967.00 from social security; \$5,324.80 from self-employment. (Testimony).

3. 100% of the federal poverty level for a household of one is \$1,215.00 as of 03/2023.
4. Appellant has submitted no outstanding unpaid medical bills or medical bills he paid out of pocket (Testimony).
5. Appellant has assets in the amount of \$13,434.00 (life insurance - \$9,661.71; bank accounts – 372.40; and securities - \$3,402.40) (Testimony).
6. On 10/03/2023, MassHealth informed the appellant that it decided he was not eligible for MassHealth benefits because he had more countable income and assets than MassHealth benefits allow (Exhibit 1; Testimony).
7. The appellant filed this appeal in a timely manner on 11/06/2023 (Exhibit 2).
8. A fair hearing was held on 11/21/2023. Both parties appeared telephonically (Exhibit 3).

Analysis and Conclusions of Law

MassHealth regulations at 130 CMR 519.005 address MassHealth eligibility requirements for community residents aged 65 and older as follows:

Community Residents 65 Years of Age or Older

(A) Eligibility Requirements. Except as provided in 130 CMR 519.005(C), noninstitutionalized individuals 65 years of age and older may establish eligibility for MassHealth Standard coverage provided they meet the following requirements:

- (1) the countable income amount, as defined in 130 CMR 520.009: Countable-income Amount, of the individual or couple is less than or equal to 100% of the federal poverty level; and
- (2) the countable assets of an individual are \$2,000 or less, and those of a married couple living together are \$3,000 or less.

(B) Financial Standards Not Met. Except as provided in 130 CMR 519.005(C), individuals whose income, assets, or both exceed the standards set forth in 130 CMR 519.005(A) may establish eligibility for MassHealth Standard by reducing their assets in accordance with 130 CMR 520.004: Asset Reduction, meeting a deductible as described at 130 CMR 520.028: Eligibility for a Deductible through 520.035: Conclusion of the Deductible Process, or both.

130 CMR 520.030: Calculating the Deductible

The deductible is determined by multiplying the excess monthly income by six. Excess monthly income is the amount by which the applicant's countable-income amount as described in 130 CMR 520.009 exceeds the MassHealth deductible-income standard.

The appellant is over 65 years of age and he lives in the community. Although he disputed the income that MassHealth calculated, he provided nothing to the hearing record to verify a different income. He may send verification of his income to MassHealth at any time for a redetermination of eligibility.

Appellant's gross monthly income is \$7,281.00 per month, derived as follows: \$1,967.00 from social security; \$5,324.80 from self-employment. The above regulation states that in order to be eligible for MassHealth Standard benefits as a member of the community who is over 65 year of age, the gross monthly income must be less than 100% of the federal poverty level, or \$1,215.00 as of 03/2023. The appellant's countable income of \$4,049.50 exceeds the MassHealth's income limit of \$1,215.00 for a community applicant who is over 65 year of age.

The regulations dictate that when an individual's monthly income is above 100% of the federal poverty limit, a deductible can be met for MassHealth eligibility. MassHealth calculated a deductible of \$18,426.00, calculated as follows:

Unearned income (Social Security)	\$1,967.00		
Disregard		- \$20.00	
			\$1,947.00
Earned Income	\$5,314.83		
Disregard		- \$65.00	
			\$5,249.00
Half of Countable Earned Income			\$2,624.50
Total Countable Income			\$4,049.50
Six Month Deductible			\$18,426.00

The appellant did not dispute the calculation of the deductible.

MassHealth also counted the appellant's assets as follows: \$13,434.00 (life insurance - \$9,661.71; bank accounts – \$372.40; and securities - \$3,402.40). The appellant provided no testimony or documentation to challenge MassHealth's calculation of his assets. The asset limit for a single individual over 65 years of age to be eligible for MassHealth Standard benefits in the community is \$2,000.00. The appellant's assets of \$13,434.00 exceeds the \$2,000.00 asset limit.

MassHealth correctly determined the appellant was over the asset and income limits. It also correctly calculated the deductible to establish eligibility in the event he reduces his assets to below \$2,000.00. To become eligible for MassHealth benefits, the appellant must submit verification to MassHealth that his assets are below \$2,000.000 and paid or unpaid medical bills (his responsibility) totaling \$18,426.00 incurred during the deductible period. This deductible must be met every six months.

Appellant repeated that he thought the MassHealth eligibility regulations are “absurd.” He used his time to voice complaints about the MassHealth eligibility process, the eligibility information he received from MassHealth and to generally complain about MassHealth workers. He provided no documentary evidence to support any of his contentions, including verification of that his income or assets meet the MassHealth program limits. The evidence in the hearing record, as applied to the applicable regulations, supports MassHealth’s denial of his application for senior benefits. As a result, 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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780