

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2311708
Decision Date:	12/12/2023	Hearing Date:	12/04/2023
Hearing Officer:	Mariah Burns		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Meghan Adie, Tewksbury MassHealth
Enrollment Center



*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:	Over 65; Eligibility; Income
Decision Date:	12/12/2023	Hearing Date:	12/04/2023
MassHealth's Rep.:	Meghan Adie	Appellant's Rep.:	Pro se
Hearing Location:	Remote	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 November 2, 2023, MassHealth denied the appellant's application for MassHealth senior benefits because MassHealth determined that the appellant's income exceeds the regulatory allowed maximum. *See* 130 CMR 520.002 and Exhibit 1. The appellant filed this appeal in a timely manner on November 17, 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 senior benefits.

Issue

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

Summary of Evidence

The appellant is a single adult who was receiving MassHealth Standard benefits prior to the issuing

of the appealed notice and turned 65 during the COVID-19 pandemic. 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 application for senior benefits on October 13, 2023, and, upon completing the verification process, was issued a denial on November 2, 2023. MassHealth was able to verify the appellant's monthly income as \$2702.90 in the form of Social Security benefits. This equates to just under 225% 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 did not disagree with the calculation of his income. He was given information about applying for MassHealth CommonHealth benefits and for the Frail Elder Waiver, which is not relevant for this appeal.

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. Exhibit 4, Testimony.
2. The appellant currently earns \$2702.90 per month in income. Testimony.
3. On November 2, 2023, MassHealth denied the appellant's application for senior benefits. Exhibit 1.
4. The appellant filed a timely appeal on November 17, 2023. Exhibit 2.
5. The appellant does not contest MassHealth's calculation of his income. 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.¹

In this case, the appellant does not dispute that her current monthly income is \$2702.90. As that amount exceeds 100% of the poverty level based on 2023 standards, the appellant is not eligible for senior benefits by this means. Therefore, MassHealth did not err in issuing the November 2, 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.

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

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