

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2311902
Decision Date:	02/16/2024	Hearing Date:	12/22/2023
Hearing Officer:	Scott Bernard	Record Open to:	02/09/2024

Appearance for Appellant:
Pro se via telephone

Appearance for MassHealth:
Stella Mudanya 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

Appeal Decision:	Denied	Issue:	Under 65/Failure to Complete Renewal Application
Decision Date:	02/16/2024	Hearing Date:	12/22/2023
MassHealth's Rep.:	Stella Mudanya	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Charlestown 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 November 14, 2023, MassHealth informed the appellant that her MassHealth coverage would end because she did not complete the annual eligibility renewal within the allowed time and MassHealth was not able to renew coverage based on available federal and statute data sources. (See 130 CMR 502.007(C) and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on November 21, 2023. (See 130 CMR 610.015(B) and Ex. 2). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032).

The record was kept open until February 9, 2024, to allow the appellant an opportunity to submit a renewal application at which time the record closed. (Ex. 5).

Action Taken by MassHealth

MassHealth terminated the appellant's coverage because she did not complete the annual eligibility renewal within the allowed time.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 502.007(C), in determining that the appellant did not complete the annual eligibility renewal.

Summary of Evidence

According to the MassHealth Medicaid Management Information System (MMIS), the appellant is under the age of 65. (Ex. 3). The appellant's fair hearing request indicates that the appellant has a household of two. (Ex. 2, p. 2). The MassHealth representative testified that she mailed a renewal application to the appellant on September 8, 2023. The MassHealth representative asked the appellant to confirm that the address was correct. The appellant testified that the address was correct. The MassHealth representative then testified that the application likely did arrive at the appellant's address, because the United States Postal Service did not return the envelope to the MassHealth representative as undeliverable. The MassHealth representative said that the renewal was due back to MassHealth by October 25, 2023 and MassHealth has not received the renewal as of the date of the hearing.

The appellant testified that it was possible that her downstairs neighbors may have taken the envelope from her mailbox. The appellant explained that she has caught them going through her mailbox a couple of times on her Ring camera. The appellant stated that in her household, she is the only person who accesses the mailbox. The appellant said that she did not see the blue envelope that would have contained the renewal. The appellant said that she would not have ignored that.

The appellant then stated that a person from the Health Connector left her a message about a week prior to the hearing. The appellant indicated that she thought that MassHealth and the Connector were synonymous. The appellant said that after she returned this person's call, the person told the appellant that they just needed to submit proof of income by December 23, 2023. The appellant stated that if that is what was needed, it was a matter of getting that information from her local Social Security office and submitting it. The appellant said she did not think that this person from the Connector left her a fax number, but it could be that she lost it in the confusion in her house since she has several grandchildren. The appellant said she thought that the income information was needed for the MassHealth renewal. The MassHealth representative stated that MassHealth did not need proof of the appellant's income, but, rather, the appellant needed to submit a renewal application. The appellant replied by saying that she thought maybe she submitted the application online. The MassHealth representative, however, contradicted this assertion, stating that MassHealth had no record that the appellant submitted the renewal application online.

The MassHealth representative then offered to contact the appellant by telephone after the hearing to help her complete the application. She stated that she had tried contacting the

appellant at the telephone number that MassHealth had on file, but it was not in service. The appellant explained that she no longer had that number and gave the MassHealth representative an updated cell phone number. The MassHealth representative also offered to mail another copy of the renewal application to the appellant's address. The appellant stated that she would be fine with the MassHealth representative contacting her after the hearing or receiving a new renewal application in the mail.

The hearing officer then offered, and the appellant accepted, an offer to keep the hearing record open to give the appellant an opportunity to submit the renewal application. Prior to the record closing on February 9, 2024, the MassHealth representative confirmed by email that the appellant had not submitted the renewal application.

Findings of Fact

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

1. The appellant is under the age of 65. (Ex. 3).
2. The appellant has a household of two. (Ex. 2, p. 2).
3. The MassHealth representative mailed a renewal application to the appellant's address on September 8, 2023. (Testimony of the MassHealth representative).
4. The appellant was given until October 25, 2023 to complete the renewal application and submit it to MassHealth. (Testimony of the MassHealth representative).
5. The renewal envelope was not returned to MassHealth. (Testimony of the MassHealth representative).
6. MassHealth did not receive the appellant's renewal application by October 25, 2023. (Testimony of the MassHealth representative).
7. Through a notice dated November 14, 2023, MassHealth informed the appellant that her MassHealth coverage would end because she did not complete the annual eligibility renewal within the allowed time and MassHealth was not able to renew coverage based on available federal and statute data sources. (Ex. 1).
8. The appellant filed this appeal in a timely manner on November 21, 2023. (Ex. 2).
9. The appellant denied receiving the renewal application. (Testimony of the appellant).
10. The record was kept open after the hearing to allow the appellant an opportunity to submit the renewal application. (Ex. 5).

11. Prior to the record closing on February 9, 2024, the MassHealth representative confirmed by email that the appellant had not submitted the renewal application. (Ex. 5).

Analysis and Conclusions of Law

MassHealth reviews eligibility at least once every 12 months. (130 CMR 502.007(A)). MassHealth updates eligibility based on information received as a result of such review. (Id.). MassHealth reviews in several different ways: by information matching with other agencies, health insurance carriers, and information sources; through a written update of the member's circumstances on a prescribed form; through an update of the member's circumstances in person, by telephone, or on the MAHealthConnector.org account; or based on information in the member's case file. (Id.).

Households whose continued eligibility cannot be determined based on electronic data matches with federal and state agencies and households whose eligibility would change to a less comprehensive benefit for at least one member of the household as a result of the data matches, will be required to complete a prepopulated renewal application. (130 CMR 502.007(C)(2)). MassHealth will notify the head of household of the need to complete the renewal application. (130 CMR 502.007(C)(2)(a)). The head of household will be given 45 days from the date of the request to return the paper prepopulated renewal application, log onto their MAHealthConnector.org account to complete the renewal application online, or call MassHealth to complete the renewal application telephonically. (130 CMR 502.007(C)(2)(b)). If the renewal application is not completed within 45 days, the MassHealth agency uses information received from electronic sources, if available, and redetermines eligibility; or if information is not available from electronic sources, terminates MassHealth coverage. (130 CMR 502.007(C)(2)(b)(2)).

The record shows that MassHealth mailed the appellant a renewal application on September 8, 2023 that the appellant had to complete and return to MassHealth no later than October 25, 2023, more than 45 days later. At the hearing, the MassHealth representative confirmed with the appellant that she had sent the application to the correct address. The MassHealth representative credibly testified that the renewal envelope was not returned to MassHealth and presumed it was delivered. Conversely, the appellant denied receiving the application, providing a credible possible explanation for its failure to arrive. At the conclusion of the hearing, the record was kept open in order to give the appellant a further opportunity to submit the renewal application. The record shows that as of February 9, 2024, the appellant had not submitted the renewal application.

For the above stated reasons, 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.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

Nga Tran, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129