

**MassHealth  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2312303
<b>Decision Date:</b>	01/23/2024	<b>Hearing Date:</b>	December 28, 2023
<b>Hearing Officer:</b>	Brook Padgett		

**Appellant Representative:**

Pro se

**MassHealth Representatives:**

Robert Hines, Springfield MEC



*Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
MassHealth  
Board of Hearings  
100 Hancock Street, 6<sup>th</sup> floor  
Quincy, MA 02171*

## APPEAL DECISION

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	130 CMR 519.005 Over 65; Over Income
<b>Decision Date:</b>	01/23/2024	<b>Hearing Date:</b>	December 28, 2023
<b>MassHealth Reps.:</b>	R. Hones	<b>Appellant Rep.:</b>	Pro se
<b>Hearing Location:</b>	Springfield	<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

The appellant received a notice dated October 19, 2023 stating: MassHealth is ending your coverage because you have more countable income than MassHealth benefits allow. (Exhibit 1).

The appellant filed this appeal timely on November 30, 2023. (130 CMR 610.015(B); Exhibit 2).

Termination or change in status of assistance is valid grounds for appeal. (130 CMR 610.032).

### Action Taken by MassHealth

MassHealth determined the appellant's household is over income limit for MassHealth Standard benefit eligibility.

### Issue

Did MassHealth correctly determine the appellant's MassHealth eligibility?

## Summary of Evidence

A MassHealth representative testified that the appellant was receiving MassHealth Standard as a household of one when a recent eligibility renewal determined that he was over the income standard for the program. MassHealth stated that the household's verified monthly income is \$2,348.00 (Social Security) and there is no determination of a disability. This verified income is 193% of the monthly federal poverty level (FPL) and places the appellant over the 100% (\$1,215.00) of the monthly FPL for MassHealth Standard.

The appellant stated that he requested an in person hearing and was disappointed when, after driving two hours and paying for gas, he was informed the hearing would be conducted via telephone. The appellant did not dispute his income and indicated that his main argument concerned MassHealth's use of his gross income rather than net income when determining his eligibility. The appellant maintained that, based on his tax returned, he had negative income last year; MassHealth, however, considered his gross income in their calculation without consideration of his bills. The appellant further objected to MassHealth labeling his income unearned when he has spent his entire life paying into the system to earn his Social Security. The appellant stated that he was very grateful for MassHealth as he did not receive proper care until the hospital directed him to sign up for MassHealth and without it he would have died.

MassHealth responded that the regulations require MassHealth to use gross income when determining eligibility and that actions resulting from renewals were put on hold until the end of the COVID emergency in April. MassHealth indicated the appellant was eligible for Medical Savings Plan (MSP) Buy-In.

## Findings of Fact

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

1. The appellant is over 65 years of age and a member of a household of one. (Testimony).
2. The household's gross monthly earnings is \$2,348.00. (Testimony).
3. 100% of the federal-poverty level for a family group size of one is \$1,215.00. (Testimony).
4. The appellant's household income is 193% of the federal poverty level.

## Analysis and Conclusions of Law

At the beginning of the COVID-19 public health emergency (PHE), the federal government issued continuous coverage requirements. Since March 2020, MassHealth has put protections in place so that individuals receiving Medicaid would generally not lose their coverage unless

they voluntarily withdrew, moved out of state, or passed away.<sup>1</sup> These continuous coverage requirements ended April 01, 2023.<sup>2</sup> On April 01, 2023 MassHealth began redetermining all members to ensure that they still qualify for their current benefits. During this redetermination period MassHealth confirmed the appellant's household monthly income was \$2,348.00.

The rules of financial responsibility and calculation of financial eligibility are detailed in 130 CMR 506.000 (130 CMR 505.001). The financial eligibility for various MassHealth coverage types is determined by comparing the household group's monthly gross income<sup>3</sup> with the applicable income standards for the specific coverage (130 CMR 506.003, 130 CMR 506.007(A)). Generally, eligibility is based on 133% of the federal-poverty level for adults and 200% of the federal-poverty level for children and pregnant women, as well as for adults working for qualified employers and persons who are HIV positive. Children under the age of 19 may establish eligibility for Standard coverage if the gross income of the group is less than or equal to 150% of the federal poverty level (130 CMR 505.002(C)(2)). Noninstitutionalized individuals 65 years of age and older may establish eligibility for MassHealth Standard coverage if their countable income amount, as defined in 130 CMR 520.009 is less than or equal to 100% of the federal poverty level. (130 CMR 519.005).<sup>4</sup> Disabled persons with income in excess of these applicable standards may establish eligibility for MassHealth CommonHealth (130 CMR 506.007(B)).

The appellant is over 65 years old, and a member of a household of one with income of \$2,348.00 or 193% of the FPL. To be eligible for MassHealth Standard over 65 years of age, household income must be below 100% of the FPL for a household of one (\$1,215.00).

MassHealth has properly determined the appellant's MassHealth eligibility and this appeal is DENIED.

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<sup>1</sup> See Eligibility Operations Memo 20-09, April 2020.

<sup>2</sup> See Eligibility Operations Memo 23-18, July 2023.

<sup>3</sup> 130 CMR 506.003: Countable Income. Eligibility is based on the family group's gross countable earned and unearned income as defined in 130 CMR 506.003, except as described in 130 CMR 506.003(C) below. (B) Gross Unearned Income. (1) Gross unearned income is the total amount of income that does not directly result from the individual's own labor before any income deductions are made. (2) Unearned income includes, but is not limited to, social security benefits, railroad retirement benefits, pensions, annuities, federal veterans' benefits, and interest and dividend income.

<sup>4</sup> 130 CMR 519.005: 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.

## 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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Brook Padgett  
Hearing Officer  
Board of Hearings

cc: MassHealth representative: Springfield MEC