

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2312630
Decision Date:	03/19/2024	Hearing Date:	01/03/2024
Hearing Officer:	Christopher Jones	Record Open to:	02/02/2024

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Stella Mudanya – Charlestown HCR



*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; Eligibility; Income Verification
Decision Date:	03/19/2024	Hearing Date:	01/03/2024
MassHealth's Rep.:	Stella Mudanya	Appellant's Rep.:	Pro se
Hearing Location:	Telephonic	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 23, 2023, MassHealth terminated the appellant's MassHealth Standard as of December 7, 2023, because she did not verify her and her spouse's income. (Exhibit 1; 130 CMR 502.003(D).) The appellant filed this appeal in a timely manner on December 6, 2023. (Exhibit 2; 130 CMR 610.015(B).) Denial of assistance is valid grounds for appeal. (130 CMR 610.032.)

Following the hearing, the record was left open until February 2, 2024, for the appellant to submit proof of her household's income.

Action Taken by MassHealth

MassHealth terminated the appellant's benefits for not submitting verification of income.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 502.003, in determining that the appellant did not verify her income.

Summary of Evidence

The appellant completed an application in the summer of 2023, as requested following the end of the federal Public Health Emergency for Covid-19. She lives in a household of two, including herself and her spouse. MassHealth's representative testified that on or about August 25, 2023, MassHealth sent the appellant a notice requesting proof of income. The appellant responded, submitting some documents, such as a bank statement, but she was informed that these documents were insufficient to verify gross income.

The appellant expressed frustration with the instruction that she received from MassHealth. She testified that she had been told to submit bank statements, because she is self-employed, and then the bank statements were not acceptable. She uploaded multiple documents to her online application, was told that everything was correct, only to receive the denial notice. She testified that she cannot upload a w-2 because she is self-employed, and she has changed jobs since last year, so her 2022 tax return would not be equivalent to what she is earning now.

MassHealth's representative suggested that she complete the MassHealth form to verify her self-employment. The record was left open for the appellant to submit the self-employment verification form. The appellant responded belatedly, stating that she earned a gross amount of \$4,000 in December, 2023, but only \$2,585 after expenses. MassHealth agreed to review the form, but belatedly responded that the appellant's spouse's income was also needed. It was pointed out that the spouse's income was not requested by MassHealth during the hearing, but because it was identified on the appealed denial notice, the record open period was extended for the appellant until January 26, 2024. Despite being reminded to submit income verifications after the deadline, the appellant did not respond. The record closed, and on March 4, 2024, the parties were informed that a decision would be issued.¹

Findings of Fact

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

- 1) The appellant is a member of a household of two; she filed a MassHealth application in the summer of 2023. (Testimony by MassHealth's representative; Exhibit 5.)
- 2) MassHealth was unable to confirm the appellant's income and requested income verifications. (Testimony by MassHealth's representative.)

¹ The appellant then responded to state that she could submit her tax return if allowed additional time. She was informed that the record had closed, and any further income verifications should be directed to MassHealth, not the Board of Hearings.

- 3) The record was left open for the appellant to submit a self-employment verification form. She did, documenting monthly income in December of \$2,585. (Exhibit 5.)
- 4) The record open period was extended for the appellant's husband's income to be verified, but nothing was submitted. (Exhibit 5.)

Analysis and Conclusions of Law

MassHealth's members must generally give MassHealth information required on an application, including information requested to verify eligibility criteria. (See 130 CMR 502.000.) If MassHealth requires additional information, the "agency requests all corroborative information necessary to verify eligibility. The applicant must supply such information within 90 days of the receipt of the Request for Information Notice, as described at 130 CMR 502.003(C)." (130 CMR 502.001(B).)

502.003: Verification of Eligibility Factors

The MassHealth agency requires verification of eligibility factors including income, residency, citizenship, immigration status, and identity as described in 130 CMR 503.000: *Health Care Reform: MassHealth: Universal Eligibility Requirements*, 504.000: *Health Care Reform: MassHealth: Citizenship and Immigration*, and 506.000: *Health Care Reform: MassHealth: Financial Requirements*.

(A) Information Matches. The MassHealth agency initiates information matches with other agencies and information sources as described at 130 CMR 502.004 in the following order, when an application is received in order to verify eligibility

- (1) the Federal Data Hub, which matches with the Social Security Administration, the Department of Homeland Security, and the Internal Revenue Service; and
- (2) other federal and state agencies and other informational services.

(B) Electronic Data Sources. If electronic data sources are unable to verify or are not reasonably compatible with the attested information, additional documentation will be required from the individual.

(C) Request for Information Notice. If additional documentation is required, including corroborative information as described at 130 CMR 502.001(B), a Request for Information Notice will be sent to the applicant listing all requested verifications and the deadline for submission of the requested verifications.

(D) Time Standards. The following time standards apply to the verification of eligibility factors.

(1) The applicant or member has 90 days from the receipt of the Request for Information Notice to provide all requested verifications.

(2) If the applicant or member fails to provide verification of information within 90 days of receipt of the MassHealth agency's request, the MassHealth agency does one of the following.

(a) If the required information is available from electronic data sources, the MassHealth agency uses that information to redetermine eligibility.

(b) If the required information is not available from electronic data sources, MassHealth coverage is denied or terminated except for individuals described at 130 CMR 502.001(D)(1) through (4).

(c) If the required verifications are received within one year from the date the application or renewal form was received, coverage is reinstated to a date ten days before the receipt of the verifications.

(d) If the required verifications are not received within one year of receipt of the previous application or renewal form, a new application must be completed.

(130 CMR 502.003(A)-(D)) (emphasis added)

The appellant's household income has changed significantly in the past year, and she and her husband both have fluctuating income due, in part, to their being self-employed. Therefore, MassHealth reasonably requested that she verify her household's income. The record-open period was extended for the appellant to provide proof of her household's income. Nonetheless, complete verification was not received during the record-open period. As long as the appellant verifies her income within one year of the application date, she does not need to complete a new application.

For these reasons, 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.

Christopher Jones
Hearing Officer
Board of Hearings

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