

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2313365
Decision Date:	06/13/2024	Hearing Date:	01/17/2024
Hearing Officer:	Scott Bernard	Record Open to:	04/12/2024

Appearance for Appellant:
Pro se via telephone

Appearance for MassHealth:
Jada Newsome (Quincy MEC) *via telephone*

Interpreter:



*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:	Dismissed	Issue:	Under 65
Decision Date:	06/13/2024	Hearing Date:	01/17/2024
MassHealth's Rep.:	Jada Newsome	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Quincy Harbor South	Aid Pending:	No

Jurisdiction

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Through a notice dated December 14, 2023, MassHealth approved the appellant's application for MassHealth Limited benefits. (See 130 CMR and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on December 18, 2023. (See 130 CMR 610.015(B) and Ex. 2). A MassHealth agency determination regarding the scope and amount of assistance is valid grounds for appeal. (See 130 CMR 610.032).

In a letter dated December 27, 2023, the Board of Hearings scheduled a hearing by telephone for January 17, 2024 at 9:45 A.M. (Ex. 4). At the hearing, MassHealth was represented by a worker from the Quincy MassHealth Enrollment Center (MEC) and the appellant represented herself. At the appellant's request, BOH arranged for interpretation in the language preferred by the appellant.

According to the Medicaid Management Information Systems (MMIS) screen in the record, the appellant is an individual under the age of 65 years old. (Ex. 3). The MassHealth representative testified that the appellant lives in a household of three. (Testimony; Ex. 1). On December 14, 2023, MassHealth issued a letter notifying the appellant that it had approved the appellant for MassHealth Limited on December 14, 2023. (Ex. 1; Testimony). The MassHealth representative explained that on that date the appellant submitted requested proof of her income and immigration status. (Testimony). The MassHealth representative stated that the appellant has received MassHealth Limited through the MassHealth Agency since November 11, 2023. (Testimony; Ex. 3). According to the MMIS screen in the record, the appellant has also been receiving MassHealth Standard through the Department of Transitional Assistance (DTA) as a recipient of Transitional Aid to Families with Dependent Children (TAFDC) since May 23, 2023. (Ex.

3).

The MassHealth representative did state that the appellant needed to submit a non-custodial parent form. (Testimony). The MassHealth representative stated that MassHealth had sent the appellant the form to complete but that it had not been returned completed. (Testimony). It was determined, however, that the appellant was no longer receiving mail at the address to which MassHealth sent the form. (Testimony). After the appellant gave the MassHealth representative her updated address, the record was left open to allow the appellant to complete and submit the form. Subsequent to the hearing, the MassHealth representative confirmed by email that MassHealth never received a completed non-custodial parent form from the appellant. (Ex. 5). The MassHealth representative did not indicate that MassHealth had taken any action in response to the appellant's non-compliance on this point. (Id.).

In a previous hearing decision for the appellant, 2311909, it was noted that according to MassHealth's Medicaid Management Information Systems, the appellant remains open on Standard and Limited. The fact that the record was left open in this hearing to allow the appellant to submit a completed non-custodial parent form and the appellant failed to do so is of no legal affect for the purposes of this decision since it was outside the scope of the notice appealed. If MassHealth wishes to take an action regarding the appellant's non-compliance on this point, it must do so through a separate notice with fresh appeal rights.

MassHealth may make an adjustment in the matters at issue before or during an appeal period and if the adjustment resolves one or more of the issues in dispute in favor of the appellant, the hearing officer, by written order, may dismiss the appeal as to all resolved issues, noting as the reason for such dismissal that the parties have reached agreement in favor of the appellant. (130 CMR 610.051(B); 610.035(8)). The record shows that MassHealth approved the appellant for MassHealth Limited. The record shows that the appellant continues to be eligible for MassHealth Standard through DTA because she receives TAFDC. MassHealth's eligibility determination does not affect the appellant's continued eligibility for MassHealth Standard, which, again, she receives through DTA and which she will continue to receive as long as she is eligible for TAFDC. For that reason, there is no issue for this hearing officer to resolve and this appeal is hereby DISMISSED.

Order for MassHealth

Appellant remains open on MassHealth Standard and Limited until MassHealth issues a termination notice.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

Quincy MEC, Attn: Appeals Coordinator, 100 Hancock Street, 6th Floor, Quincy, MA 02171