

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2402033; 2402036
<b>Decision Date:</b>	4/22/2024	<b>Hearing Date:</b>	03/12/2024
<b>Hearing Officer:</b>	Mariah Burns		

**Appearance for Appellants:**

Pro Se

**Appearance for MassHealth:**

Taylor Edwards, Quincy MassHealth  
Enrollment Center

**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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Under 65; Eligibility; Income
<b>Decision Date:</b>	4/22/2024	<b>Hearing Date:</b>	02/16/2024
<b>MassHealth's Rep.:</b>	Taylor Edwards	<b>Appellants' Rep.:</b>	Pro se
<b>Hearing Location:</b>	Remote	<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

Through a notice dated January 20, 2024, MassHealth denied the appellants' renewal application for MassHealth benefits because MassHealth determined that the appellants' income exceeds the allowed amount. See 130 CMR 502.003 and Exhibit 1. The appellants filed these appeals in a timely manner on February 9, 2024 and the appeals were consolidated for hearing. 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 appellants' renewal application for MassHealth benefits.

### Issue

The appeal issue is whether MassHealth correctly calculated the appellants' income in determining that they do not qualify for MassHealth benefits.

### Summary of Evidence

The appellants are a married couple who are both adults under the age of 65 and were assisted at

hearing by an Albanian-speaking interpreter. They reside in a household of two. MassHealth was represented by a worker from the Quincy MassHealth Enrollment Center. The parties appeared by video conference. The following is a summary of the testimony and evidence provided at hearing.

The appellants submitted a renewal application for MassHealth benefits on December 22, 2023. On January 20, 2024, MassHealth issued a notice denying the appellant's application for benefits because their household income was too high. At hearing, the MassHealth representative testified that the husband receives a weekly income of \$630.00 in wages, which equates to \$2729.79 monthly. The wife does not have any income at this time. Thus, the household's monthly income was determined to equal 154.83% of the federal poverty level.

The appellants testified that the husband's income varies because his hours are not consistent from week to week. They reported that his lowest paycheck would be \$570.00, which would equal \$2469.81 in monthly income. The appellants also submitted one of the husband's paystubs which reflects a weekly income of \$810.13. The appellants reported that the wife is disabled.

## **Findings of Fact**

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

1. The appellants are a married couple who are both adults under the age of 65 who reside in a household of two. Testimony, Exhibit 4.
2. On December 22, 2023, the appellants submitted a renewal application for MassHealth benefits. Testimony.
3. On January 20, 2024, MassHealth issued a notice denying the appellants' renewal application on the grounds that their income was too high. Exhibit 1.
4. The appellants filed a timely request for fair hearing on February 9, 2024. Exhibit 2.
5. The appellants have a monthly income of at least \$2469.81. Testimony.

## **Analysis and Conclusions of Law**

MassHealth regulations at 130 CMR 505.000 *et seq.* explain the categorical requirements and financial standards that must be met to qualify for a particular MassHealth coverage type. The rules of financial responsibility and calculation of financial eligibility are detailed in 130 CMR 506.000: *Health Care Reform: MassHealth: Financial Requirements*. The MassHealth coverage types are:

- (1) *Standard* - for pregnant women, children, parents and caretaker relatives, young adults, disabled individuals, certain persons who are HIV positive, individuals with breast or cervical cancer, independent foster care adolescents, Department of Mental Health members, and medically frail as such term is defined in 130 CMR 505.008(F);
- (2) *CommonHealth* - for disabled adults, disabled young adults, and disabled children who are not eligible for MassHealth Standard;
- (3) *CarePlus* - for adults 21 through 64 years of age who are not eligible for MassHealth Standard;
- (4) *Family Assistance* - for children, young adults, certain noncitizens, and persons who are HIV positive who are not eligible for MassHealth Standard, CommonHealth, or CarePlus;
- (5) *Small Business Employee Premium Assistance* - for adults or young adults who
  - (a) work for small employers;
  - (b) are not eligible for MassHealth Standard, CommonHealth, Family Assistance, or CarePlus;
  - (c) do not have anyone in their premium billing family group who is otherwise receiving a premium assistance benefit; and
  - (d) have been determined ineligible for a Qualified Health Plan with a Premium Tax Credit due to access to affordable employer-sponsored insurance coverage;
- (6) *Limited* - for certain lawfully present immigrants as described in 130 CMR 504.003(A), nonqualified PRUCOLs, and other noncitizens as described in 130 CMR 504.003: *Immigrants*; and
- (7) *Senior Buy-In and Buy-In* - for certain Medicare beneficiaries.

130 CMR 505.001(A).

To establish eligibility for MassHealth benefits, applicants must meet both the categorical and financial requirements. In this case, the appellants are over the age of 21 but under 65, are not caretakers of a minor child, are not permanently and totally disabled, and have none of the listed health conditions.<sup>1</sup> Although the appellants do not belong to a category to qualify for MassHealth Standard, they meet the categorical requirements for MassHealth CarePlus. The question then remains as to whether they meet the income requirements to qualify.

Individuals between the ages of 21 and 64 who do not qualify for MassHealth Standard are eligible for MassHealth CarePlus if “the modified adjusted gross income of the MassHealth MAGI household is less than or equal to 133% of the federal poverty level.” 130 CMR 505.008(A)(2). To determine financial eligibility pursuant to 130 CMR 506.007, MassHealth must construct a household as described, in relevant part, in 130 CMR 506.002(B) for each individual person

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<sup>1</sup> There was testimony that the wife is disabled, however a disability supplement has not yet been submitted to MassHealth. The appellants expressed a desire to submit such documentation, but, as there was no specific evidence of the disability at hearing, I am unable to find that one exists at this time.

applying for or renewing coverage:

- (1) Taxpayers Not Claimed as a Tax Dependent on His or Her Federal Income Taxes. For an individual who expects to file a tax return for the taxable year in which the initial determination or renewal of eligibility is being made and who is not claimed as a tax dependent by another taxpayer, the household consists of
- (a) the taxpayer; including his or her spouse, if the taxpayers are married and filing jointly regardless of whether they are living together;
  - (b) the taxpayer's spouse, if living with him or her regardless of filing status;
  - (c) all persons the taxpayer expects to claim as tax dependents; and
  - (d) if any woman described in 130 CMR 506.002(B)(1)(a) through (c) is pregnant, the number of expected children.

Here, the appellants do not challenge that they reside in a household of two. Based on 2023 MassHealth Income Standards and Federal Poverty Guidelines, 133% of the federal poverty level equated to a monthly income of \$2186.00 for a household of two. New income standards went into effect on March 1, 2024. Based on 2024 MassHealth Income Standards and Federal Poverty Guidelines, 133% of the federal poverty level equates to a monthly income of \$2,266.00 for a household of two. See chart at <https://www.mass.gov/doc/2024-masshealth-income-standards-and-federal-poverty-guidelines-0/download>.

MassHealth determines an applicant's modified adjusted gross income (MAGI) by taking the countable income, which includes earned income as described in 130 CMR 506.003(A) and unearned income described in 130 CMR 506.003(B), less deductions described in 130 CMR 506.003(D). Specifically, 130 CMR 506.007 provides how the MAGI is calculated:

...Countable income includes earned income described in 130 CMR 506.003(A) and unearned income described in 130 CMR 506.003(B) less deductions described in 130 CMR 506.003(C). Income of all the household members forms the basis for establishing an individual's eligibility. A household's countable income is the sum of the MAGI-based income of every individual included in the individual's household with the exception of children and tax dependents who are not expected to be required to file a return as described in 42 CFR 435.603 and 130 CMR 506.004(K).

(A) Financial eligibility for coverage types that are determined using the MassHealth MAGI household rules and the MassHealth Disabled Adult household rules is determined by comparing the sum of all countable income less deductions for the individual's household as described at 130 CMR 506.002 with the applicable income standard for the specific coverage type. In determining monthly income, the MassHealth agency multiplies average weekly income by 4.333. Five percentage points of

the current federal poverty level (FPL) is subtracted from the applicable household total countable income to determine eligibility of the individual under the coverage type with the highest income standard.

(B) The financial eligibility standards for each coverage type may be found in 130 CMR 505.000: *Health Care Reform: MassHealth: Coverage Types*.

(C) The monthly federal-poverty-level income standards are determined according to annual standards published in the *Federal Register* using the following formula. The MassHealth agency adjusts these standards annually.

(1) Divide the annual federal poverty-level income standard as it appears in the *Federal Register* by 12.

(2) Multiply the unrounded monthly income standard by the applicable federal-poverty-level standard.

(3) Round up to the next whole dollar to arrive at the monthly income standards.

(D) Safe Harbor Rule. The MassHealth agency will provide a safe harbor for individuals whose household income determined through MassHealth MAGI income rules results in financial ineligibility for MassHealth but whose household income determined through Health Connector income rules as described at 26 CFR 1.36B-1(e) is below 100 percent FPL. In such case, the individual's financial eligibility will be determined in accordance with Health Connector income rules.

(1) MassHealth uses current monthly income and the Health Connector uses projected annual income amounts.

(2) MassHealth MAGI household uses exceptions to tax household rules and the Health Connector uses the pure tax filing household.

(E) MAGI Protection for Individuals Receiving MassHealth Coverage on December 31, 2013. Notwithstanding the above, in the case of determining ongoing eligibility for individuals determined eligible for MassHealth coverage to begin on or before December 31, 2013, application of the MassHealth MAGI Household Income Calculation methodologies as set forth in 130 CMR 506.007 will not be applied until March 31, 2014, or the next regularly scheduled annual renewal of eligibility for such individual under 130 CMR 502.007, whichever is later, if the application of such methodologies would result in a downgrade of benefits.

Earned income "may include wages, salaries, tips, commissions, and bonuses." 130 CMR 506.003(A)(1).

In this case, the appellants testified that the husband's income fluctuates on a weekly basis due to inconsistent hours. However, they reported that the lowest amount he would receive in a given week is \$570.00, which equates to \$2469.81 per month. As that amount exceeds 133% of the federal poverty level based on the income standards for 2023 and 2024, the appellants are not financially eligible for MassHealth CarePlus benefits. I find that MassHealth did not err in issuing the January 20, 2024, notice denying the appellant MassHealth benefits.

For the foregoing reasons, the appeal is denied.

The appellant can direct any questions about Health Connector plans to 1-877-MA-ENROLL (1-877-623-6765), or inquiries concerning Health Safety Net to 877-910-2100.

## **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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Mariah Burns  
Hearing Officer  
Board of Hearings

cc: MassHealth Representative: Taylor Edwards, Quincy MassHealth Enrollment Center