

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2402882
Decision Date:	5/6/2024	Hearing Date:	03/29/2024
Hearing Officer:	Radha Tilva	Record Open to:	04/08/2024

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Maran Yi, Tewksbury MEC Rep.



*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:	Approved	Issue:	Eligibility – over 65 – start date
Decision Date:	5/6/2024	Hearing Date:	03/29/2024
MassHealth's Rep.:	Maran Yi	Appellant's Rep.:	Pro se
Hearing Location:	Tewksbury 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 February 14, 2024, MassHealth determined that appellant was eligible for MassHealth Standard benefits with an effective eligibility start date of February 1, 2024 (Exhibit 1). The appellant filed this appeal in a timely manner on February 26, 2024 seeking an earlier eligibility start date (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

A hearing occurred on March 29, 2024 and the record was held open for MassHealth to submit the requested documentation by April 8, 2024.

Action Taken by MassHealth

MassHealth approved appellant for MassHealth Standard benefits with an effective eligibility start date of February 1, 2024.

Issue

The appeal issue is whether MassHealth was correct in determining an eligibility start date of February 1, 2024.

Summary of Evidence

MassHealth was represented by a case worker who appeared by telephone. Appellant also appeared by telephone. A chronology of events and a copy of all the notices described at the hearing was requested at the conclusion of the hearing and the record was held open, accordingly, until April 8, 2024.

Appellant was sent a termination notice on July 27, 2023 stating that coverage would end on August 10, 2023 because the appellant did not return the eligibility review form in on time to MassHealth (Exhibit 6). The MassHealth representative explained that the appellant, who is over the age of 65, submitted a renewal application for MassHealth benefits on August 29, 2023 (see Exhibit 6). This was processed on August 31, 2023.

The MassHealth representative explained that, on November 2, 2023, a request for verifications was sent to appellant requesting information regarding three bank accounts and one vehicle. The information was to be submitted on January 31, 2024. On November 15, 2023, MassHealth received the vehicle registration and bank statements from one account for July 2023. MassHealth issued another notice on November 15, 2023 requesting information from appellant's checking and savings account which was to be submitted by January 31, 2024. On December 20, 2023, MassHealth received a duplicate of the car registration and a social security award letter. On January 4, 2024, MassHealth received a letter from one of the banks stating that they were charged and paid in full, but that document was not acceptable and it was explained that a letter from the bank was needed showing the current balance or the date that the account closed and due by January 31, 2024.

On February 2, 2024, the appellant called in and reported that he would be mailing in the closure letter from the bank. On February 6, 2024, MassHealth sent a notice stating that appellant was not eligible for MassHealth benefits because appellant did not give MassHealth the information it needs to decide eligibility within the required time frame. On February 14, 2024, a document was received and processed showing that the bank account was closed as of December 1, 2023. An approval notice, which is the notice under appeal, was then issued on February 14, 2024 based on the reapplication date of February 14, 2024 approving appellant for MassHealth Standard benefits effective February 1, 2024 (Exhibit 1). The MMIS screen showed that appellant was in aid category 35 from October 1, 2004 to present which is a coverage through the Department of Mental Health.

The appellant appeared by telephone and testified that he was seeking an earlier eligibility start

date based on his initial application of August 29, 2023. The appellant stated that he was hospitalized in April 2023 and was too sick thereafter to open his mail and submit the verifications. The appellant had an outreach worker help him with the submissions. The appellant stated that he wants the coverage to be effective August 2023 because he wants to be reimbursed for the premiums owed to Medicare Part A and Part B.

Findings of Fact

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

1. Appellant, who is over the age of 65, was sent a termination notice on July 27, 2023 stating that coverage would end August 10, 2023 for failure to return an eligibility review form.
2. Appellant submitted a renewal application on August 29, 2023 which MassHealth processed on August 31, 2023.
3. On November 2, 2023, MassHealth sent a request for verifications requesting information on three bank accounts and one vehicle.
4. On November 15, 2023, MassHealth received the vehicle registration and bank statements from one account for July 2023.
5. MassHealth issued another notice on November 15, 2023 requesting information from appellant's checking and savings account which was to be submitted by January 31, 2024.
6. On December 20, 2023, MassHealth received a duplicate of the car registration and social security reward letter.
7. On January 4, 2024, MassHealth received a letter from one of the banks stating that they were charged and paid in full, but the document was unacceptable so MassHealth explained that a letter from the bank was needed showing the current balance or the date the account was closed.
8. On February 2, 2024, appellant called in and reported that he would be mailing in the closure letter from the bank.
9. On February 6, 2024, MassHealth sent a notice stating that appellant was not eligible for MassHealth benefits because appellant did not give MassHealth the information it needs to decide eligibility within the required time frame.
10. On February 14, 2024, appellant submitted documentation showing that the bank account

was closed.

11. An approval notice issued on February 14, 2024 approved appellant for MassHealth Standard benefits effective February 1, 2024.
12. The appellant's health was not good during the time period that the verifications were being requested so he was unable to open his own mail and had to have an outreach worker help him with submissions.
13. The appellant is seeking retroactive coverage of his MassHealth Standard benefits.

Analysis and Conclusions of Law

The issue on appeal is whether MassHealth appropriately determined appellant's eligibility start date. The following regulation is pertinent as to whether MassHealth can honor the original renewal application date of August 29, 2023.

610.071: Evidence

(A) General.

(2) The hearing officer may not exclude evidence at the hearing for the reason that it had not been previously submitted to the acting entity, provided that the hearing officer may permit the acting entity representative reasonable time to respond to newly submitted evidence. ***The effective date of any adjustments to the appellant's eligibility status is the date on which all eligibility conditions were met, regardless of when the supporting evidence was submitted.***

Emphasis added. The appellant submitted a request for a fair hearing on February 26, 2024. The denial notice of February 6, 2024 and the approval dated February 14, 2024 are both within the time frame for appeal under 130 CMR 610.015(B). As outlined above, 130 CMR 610.071(A)(2) allows for an adjustment to the eligibility status on the date in which all eligibility conditions are met regardless of when the supporting evidence was submitted. Thus, eligibility should be based off appellant's August 29, 2023 renewal application date as appellant submitted the missing verifications.

Order for MassHealth

Proceed to redetermine eligibility based on 130 CMR 516.006(A)(2) and an August 29, 2023 application date.

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.

Radha Tilva
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957