

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2405689
Decision Date:	7/1/2024	Hearing Date:	05/16/2024
Hearing Officer:	Mariah Burns		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
BaRan Lewis, Quincy MassHealth Enrollment
Center



*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; Start Date
Decision Date:	7/1/2024	Hearing Date:	05/16/2024
MassHealth's Rep.:	BaRan Lewis	Appellant's Rep.:	Pro se
Hearing Location:	Remote	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 March 20, 2024, MassHealth approved the appellant for MassHealth Standard benefits with a start date of March 5, 2024. *See* 130 CMR 502.003(D)(c) and Exhibit 1. The appellant filed this appeal in a timely manner on April 10, 2024. *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 approved the appellant for MassHealth Standard benefits with a start date of March 5, 2024.

Issue

The appeal issue is whether MassHealth correctly imposed the start date in reinstating the appellant's MassHealth Standard benefits.

Summary of Evidence

The appellant is an adult under the age of [REDACTED] MassHealth was represented by a worker from the

Quincy MassHealth Enrollment Center. All parties appeared at hearing by telephone. The following is a summary of the evidence and testimony provided.

The appellant's MassHealth Standard benefits were terminated through a notice dated November 14, 2023, with an effective date of November 28, 2023, for failure to provide proof of residency. The appellant did not appeal that notice. The appellant ultimately updated his address with MassHealth on March 15, 2024. His coverage was then backdated ten days from the day he provided his address verification, and his MassHealth Standard benefits were reinstated with an effective date of March 5, 2024. A previous request for information for the appellant's residency information had expired.

On his fair hearing request form, the appellant wrote "There is no material reason why coverage starts the 5th instead of the 1st...I have an important medical bill dated 3/4/24 and would be very grateful for it to be paid." However, at hearing, he cited [REDACTED] stating that he has a fundamental right to travel, and his benefits should never have been terminated in the first place.

Findings of Fact

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

1. The appellant is an adult under the age of [REDACTED] and is a MassHealth member. Testimony, Exhibit 1, Exhibit 4.
2. On November 14, 2023, MassHealth notified the appellant that his MassHealth Standard benefits would be terminating with an effective date of November 28, 2023, for failure to provide proof of residency. Testimony, Exhibit 4.
3. The appellant did not appeal that November 14, 2023, termination notice. Testimony.
4. On March 15, 2024, the appellant updated his address with MassHealth. Testimony.
5. On March 20, 2024, MassHealth notified the appellant that his MassHealth Standard benefits would be reinstated with an effective date of March 5, 2024. Exhibit 1.
6. The appellant filed a timely request for fair hearing of the March 20 notice on April 10, 2024. Exhibit 2.
7. At the time the appellant submitted his residency verifications, his prior request for information had expired. Testimony.

Analysis and Conclusions of Law

MassHealth requires applicants provide documentary verification of certain eligibility factors, including “income, residency, citizenship, immigration status, and identity.” 130 CMR 502.003. Applicants or members “must be a resident of the Commonwealth of Massachusetts,” and each undergo the following verification process:

The individual's residency is considered verified if the individual has attested to Massachusetts residency and the residency has been confirmed by electronic data matching with federal or state agencies or information services...If residency cannot be verified through electronic data matching or there is conflicting information, the MassHealth agency may require documentation to validate residency.

130 CMR 503.002(E). A member has 90 days from the receipt of a request for information to submit requested verifications. 130 CMR 502.003(D)(1). If those verifications are not received within 90 days of the request for information, but “are received within one year from the date the application or renewal form was received, coverage is reinstated to a date 10 days before the receipt of the verifications.” *Id.* at 502.003(D)(2)(c).

An appellant bears the burden of proof at fair hearings “to demonstrate the invalidity of the administrative determination.” [REDACTED]

[REDACTED] The fair hearing decision, established by a preponderance of evidence, is based upon “evidence, testimony, materials, and legal rules, presented at hearing, including the MassHealth agency’s interpretation of its rules, policies and regulations.” For the reasons stated herein, I find that the appellant has failed to meet this burden.

In this case, the appellant submitted his address verification on March 15, 2024. As his previous request for information expired, MassHealth properly relied on 130 CMR 502.003(D)(2)(c) in reinstating the appellant’s benefits 10 days prior to that date. The appellant cites no exception to this rule, nor was I able to uncover any in the regulations.

Despite his statement on his fair hearing request form, at hearing, the appellant argued that his benefits should never have been terminated in the first place.¹ However, his failure to appeal the November 14, 2023, termination notice generally waives his right to make this argument. See 130 CMR 610.015(B)(1) (The Board of Hearings must receive a request for fair hearing within 60 days of an applicant or member receiving notice from MassHealth of the intended action). A Hearing Officer may take jurisdiction of an issue if it is raised within 120 days from “the date of MassHealth

¹ Even if I were to take jurisdiction of the termination of the appellant’s benefits, his reliance on *Shapiro* is misguided, as it is no longer good law and is otherwise irrelevant to this case. [REDACTED]

agency action when the MassHealth agency fails to send written notice of the action,” but there is no evidence in the record that MassHealth failed to send the November 14, 2023, notice to the appellant. Thus, I decline to make any finding of whether MassHealth properly terminated the appellant’s benefits in November 2023.

As I find that MassHealth imposed a proper start date of March 5, 2024, for the appellant’s MassHealth Standard benefits, I find no error with the March 20, 2024, notice.

For the foregoing reasons, the appeal is hereby 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.

Mariah Burns
Hearing Officer
Board of Hearings

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