

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2405779
Decision Date:	7/1/2024	Hearing Date:	05/16/2024
Hearing Officer:	Scott Bernard		

Appearance for Appellant:
Pro se via telephone

Appearance for MassHealth:
Elizabeth Nickoson (Taunton 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:	Denied	Issue:	Under 65/Over Income
Decision Date:	7/1/2024	Hearing Date:	05/16/2024
MassHealth's Rep.:	Elizabeth Nickoson	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Taunton 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 March 12, 2024, MassHealth informed the appellant that starting on March 2, 2024 she was eligible for Health Safety Net (HSN) but did not qualify for a MassHealth benefit because her income was too high. (See 130 CMR 506.007(B); 505.002; 502.003; and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on April 11, 2024. (See 130 CMR 610.015(B) and Ex. 2). Termination of assistance is valid grounds for appeal. (See 130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined that the appellant was not eligible for a MassHealth benefit because her income was too high.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 506.007 and 505.002, in determining that the appellant was not eligible for MassHealth because her income was too high.

Summary of Evidence

An eligibility worker from the Taunton MassHealth Enrollment Center (MEC) represented MassHealth and the appellant represented herself. At the appellant's request, BOH arranged for interpretation in the appellant's preferred language. Both parties attended the hearing by telephone.

The MassHealth representative testified to the following. The appellant is under the age of [REDACTED] and resides in a household of three consisting of herself and her two children, who are each under the age of [REDACTED] (Testimony; Ex. 3). The younger of the appellant's children is receiving MassHealth Standard, while the older, who is [REDACTED] is not applying for MassHealth. (Testimony). The appellant received MassHealth Standard under Category 46 from January 22, 2023 through April 30, 2024 and Category 06 from September 14, 2019 through January 10, 2024. (Ex. 3; Testimony). Both of these indicate that the appellant was receiving extended eligibility. (Testimony). Category 46 indicates that the appellant received extended eligibility for 12 months because although her earned income exceeded the financial limits for MassHealth Standard, she met certain other requirements. (Ex. 3; Testimony). Category 06 indicates that the appellant was a recipient of MassHealth Standard through the Department of Transitional Assistance (DTA), DTA had terminated her cash assistance, and MassHealth extended her coverage to determine if she was separately eligible for MassHealth coverage. (Ex. 3; Testimony).

On March 12, 2024 the appellant completed an application over the telephone. (Testimony). This was the first renewal the appellant submitted since the COVID restrictions were lifted in 2023. (Testimony). The appellant reported that she receives \$714.00 per week or \$3,093.76 per month in earned income from one employer. (Testimony). This exceeds the income limit for a household of three, which is \$2,862 per month. (Testimony). The appellant enrolled in a ConnectorCare plan on May 4, 2024. (Testimony). The appellant does not have to pay a monthly premium for that plan. (Testimony). The appellant's MassHealth Standard ended April 30, 2024. (Testimony; Ex. 3). The MassHealth representative explained that the appellant's Category 46 extended eligibility ran from January 22, 2023 and would have ended 12 months after that. (Testimony). However, since the appellant did not submit her renewal until the end of March 2024, MassHealth extended her eligibility until the end of April 2024. (Testimony; Ex. 3).

The appellant confirmed that she was on the ConnectorCare plan the MassHealth representative identified. (Testimony). The appellant was told to call in order to enroll. (Testimony). When she did enroll, she was informed that she would have to pay out of pocket for her appointments. (Testimony). The appellant stated that she presently works only 32 hours per week. (Testimony). The appellant stated that she was no longer receiving \$714 per week. (Testimony). The appellant could not state with certainty what her gross weekly income was, but said that it was probably above \$500 based on her net pay of \$478. (Testimony). The appellant stated that she received the reported higher amount in February and March because at that time she was working more hours

to cover for a sick co-worker. (Testimony). The appellant also said that due to the nature of her employment, she only works for seven months of the year. (Testimony). The appellant is slated to be laid off for the season on May 13, 2024. (Testimony).

Findings of Fact

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

1. The appellant is under the age of ■ years old and resides in a household of three consisting of herself and her two children, who are each under the age of ■ years old. (Testimony; Ex. 3).
2. The younger of the appellant's children is receiving MassHealth Standard, while the older, who is ■ years old, is not applying for MassHealth. (Testimony).
3. The appellant received MassHealth Standard extended eligibility under Category 46 from January 22, 2023 through April 30, 2024 and under Category 06 from September 14, 2019 through January 10, 2024.
 - a. Category 46 indicates that the appellant received extended eligibility for 12 months because although her earned income exceeded the financial limits for MassHealth Standard, she met certain other requirements. (Ex. 3; Testimony).
 - b. Category 06 indicates that the appellant was a recipient of MassHealth Standard through DTA, DTA terminated her cash assistance, and MassHealth extended her coverage to determine if she was separately eligible for MassHealth coverage. (Ex. 3; Testimony).
4. On March 12, 2024 the appellant completed an application over the telephone. (Testimony).
5. This was the first renewal the appellant has submitted since the COVID restrictions were lifted last year. (Testimony).
6. The appellant reported that she receives \$714.00 per week or \$3,093.76 per month in earned income from one employer. (Testimony).
7. This exceeds the income limit for a household of three, which is \$2,862 per month. (Testimony).
8. The appellant enrolled in a ConnectorCare plan on May 4, 2024. (Testimony).
9. The appellant does not have to pay a monthly premium for that plan. (Testimony).

10. The appellant's MassHealth Standard ended April 30, 2024. (Testimony; Ex. 3).
11. The appellant reported that her income has decreased since March to around \$500 per week. (Testimony).
12. The appellant's employment is seasonal, and she is slated to be laid off on May 13, 2024. (Testimony).

Analysis and Conclusions of Law

Parents and caretaker relatives of children under [REDACTED] can qualify for MassHealth Standard coverage if they meet specific requirements. (130 CMR 505.002(C)(1)). Firstly, their household income must not exceed 133% of the federal poverty level. (130 CMR 505.002(C)(1)(a)). Additionally, they must be either a U.S. citizen or a qualified noncitizen. (130 CMR 505.002(C)(1)(b)). If they are a parent, they need to live with their children and assume primary responsibility for their care, even in cases of separation, divorce, or custody arrangements. (130 CMR 505.002(C)(1)(c)(1)). Finally, they must utilize available health insurance benefits or enroll if no cost or purchased by MassHealth and not be enrolled in Medicare Parts A or B. (130 CMR 505.002(C)(2)).

Financial eligibility for coverage types that are determined using the MassHealth MAGI household rules is determined by comparing the sum of all countable income less deductions for the individual's household with the applicable income standard for the specific coverage type. (130 CMR 506.006(A)). MassHealth will construct a household for each individual who is applying for or renewing coverage; different households may exist within a single family, depending on the family members' familial and tax relationships to each other. (130 CMR 506.007(A)(1)).

Once the individual's household is established, financial eligibility is determined by using the total of all countable monthly income for each person in that individual's household. Income of all the household members forms the basis for establishing an individual's eligibility. (130 CMR 506.007(A)(2)). A household's countable income is the sum of the gross 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. (130 CMR 506.007(A)(2)(a)). Countable income includes earned income (described below) and unearned income (not applicable in this appeal) less deductions¹. (130 CMR 506.007(A)(2)(b)). Earned income is the

¹ Neither the MassHealth representative nor the appellant stated that any deductions were applicable here but they are described in 130 CMR 506.003(D) and are as follows: student loan interest; educator expenses; reservist/performance artist/fee-based government official expenses; health savings account; moving expenses, for the amount and populations allowed under federal law; one-half self-employment tax; self-employment retirement account; penalty on early withdrawal of savings; alimony paid to a former spouse for individuals with alimony agreements finalized on or before December 31, 2018 (those finalized after December 31, 2018, or pre-existing agreements modified after December 31, 2018, are

total amount of taxable compensation received for work or services performed less pretax deductions. (130 CMR 506.003(A)(1)). Earned income may include wages, salaries, tips, commissions, and bonuses. (Id.).

In determining monthly income, the MassHealth agency multiplies average weekly income by 4.333. ((130 CMR 506.007(A)(2)(c)). Once MassHealth determines a household's countable income, it then determines what percentage of the federal poverty level that income is and subtracts five percentage points from that number. (130 CMR 506.007(A)(3)). This adjusted income is then compared to the federal poverty level to determine the individual's eligibility. (Id.).

The appellant meets the categorical criteria for MassHealth Standard for parents of children under age ■■■. The income limit for MassHealth Standard is \$2,862 per month, which is equal to 133% of the federal poverty level for a household of three. The gross monthly household income for the appellant's household is \$3,093.76, which is 143.76% of the federal poverty level for a household of three. After deducting five percentage points from this raw figure, the appellant's countable income is equal to 138.76% of the FPL. Unfortunately, since this countable income still exceeds 133% of the FPL, the appellant does not qualify financially for MassHealth Standard at this time.

For that reason, the appeal must be DENIED.

The appellant may submit updated income documentation to MassHealth at any time.

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.

not deductible); individual retirement account (IRA); scholarships, awards, or fellowships used solely for educational purposes; student loan interest; and other deductions described in the Tax Cut and Jobs Act of 2017, Public Law 115-97 for as long as those deductions are in effect under federal law.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA
02780