

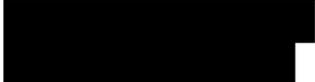
**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number(s):	2405986 and 2405983
Decision Date:	6/7/2024	Hearing Date:	05/15/2024
Hearing Officer:	Radha Tilva	Record Open to:	05/22/2024

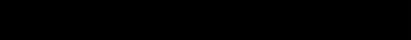
Appearance for Appellant:



Appearance for MassHealth:

Ryan Bond, Tewksbury MEC Rep.

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:	Approved	Issue:	Eligibility – under 65 – termination for failure to verify
Decision Date:	6/7/2024	Hearing Date:	05/15/2024
MassHealth’s Rep.:	Ryan Bond	Appellant’s Rep.:	Pro se
Hearing Location:	Telephonic with Tewksbury MEC	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 notice(s) dated March 19, 2024, MassHealth determined that appellants did not provide proof in the time allowed and therefore MassHealth would terminate MassHealth benefits effective April 2, 2024 (Exhibits 1 and 6). The appellants filed this appeal in a timely manner on April 12, 2024 (see 130 CMR 610.015(B) and Exhibits 2 and 7). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

The Board of Hearings scheduled two appeals on May 15, 2024. These appeals were consolidated as the issues on appeal for both members of the same household are the same (130 CMR 610.073).

Action Taken by MassHealth

MassHealth determined that appellants did not provide proof in the time allowed and therefore MassHealth would terminate MassHealth benefits effective April 2, 2024.

Issue

The appeal issue is whether MassHealth was correct in determining that it could terminate MassHealth benefits effective April 2, 2024.

Summary of Evidence

The MassHealth representative that appeared at hearing testified that appellants, husband and wife, reported a change of address on or around December 5, 2023. MassHealth issued a request for information on December 5, 2023 requesting proof of residency which was due on March 4, 2024. MassHealth did not receive the proof of residency and MassHealth Limited benefits were terminated on April 2, 2024. The appellants submitted an appeal requesting a fair hearing on April 12, 2024 and submitted along with that a utility bill from National Grid. At the hearing, the MassHealth representative stated that he could send the form to submit proof of residency. The representative further stated that coverage would start on May 4, 2024, 10 days retroactive to the date of receipt if appellants were to resubmit proof of residency.

The appellants appeared by telephone and testified to the following. The appellants were living with a sister-in-law when they first got to the U.S. and then moved to a new house. They tried to update the address with MassHealth. The appellant (wife) went to the doctor for a couple of visits and it was fine, but when the daughter got sick and they went to the hospital they were told that they had no coverage. She then called MassHealth the next morning and they told her that they had sent the request for information to the old address. The sister-in-law, with whom they were living, never received the letter. The appellant received a \$1,200.00 bill from the hospital and is still paying it every month. They sent proof of address via mail to MassHealth. MassHealth told her that her daughters have active coverage, but that she and her husband do not. The appellant (wife) stated that she faxed in proof of residency the day prior to the hearing but did not send in a form because she did not know that she had to.

The record was left open for the appellants to submit proof of residency to MassHealth. On the day of the hearing, later in the day, the MassHealth representative stated that MassHealth received the utility bill that they faxed yesterday and processed it for them. The representative further wrote that their coverage was reinstated, and it would backdate to May 4, 2024. The representative did check with his supervisor regarding if they would be eligible for retro coverage and unfortunately, they were only eligible to backdate 10 days under 130 CMR 502.003(D)(2)(C).

Findings of Fact

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

1. The appellants, husband and wife, reported a change of address on or around December 5, 2023.
2. MassHealth issued a request for information on December 5, 2023 requesting proof of residency which was due on March 4, 2024.
3. MassHealth did not receive the proof so sent a notice of termination to both husband and wife on March 19, 2024 stating that their MassHealth coverage would end on April 2, 2024.
4. The appellants first learned they did not have MassHealth coverage when they ended up in the hospital.
5. Appellants appealed the notice on April 12, 2024 and submitted along with it a copy of a utility bill as proof of address.
6. The appellant resubmitted proof of residency on May 14, 2024.
7. A hearing was scheduled for May 15, 2024.
8. The record was left open at hearing for appellant to resubmit the proof of residency.
9. On May 15, 2024, the MassHealth representative stated that he received proof of residency sent the day prior and processed it for both husband wife finding them eligible or MassHealth benefits effective May 4, 2024.

Analysis and Conclusions of Law

MassHealth can request all corroborative information necessary to verify eligibility. The applicant must supply such information within 90 days of the receipt of the Request for Information Notice, as described at 130 CMR 502.003(C) (130 CMR 502.002(B)). If the necessary information is not received within 90 days of the receipt of the Request for Information Notice, as described at 130 CMR 502.003(C), with the exception of the individuals described at 130 CMR 502.001(D)(1) through (4), the MassHealth agency will attempt to redetermine eligibility using electronic data sources, if available, but if such information is not available from these sources, the applicant's MassHealth benefits will be denied or terminated, as described in 130 CMR 502.003(D)(2) (130 CMR 502.002(D)). The appellant do not fall under any of the categories described in 130 CMR 502.001(D)(1) through (4). Thus, MassHealth did not err in terminating their MassHealth benefits. Nonetheless, the appellant's (wife's) testimony that she previously tried to send in proof of residency is compelling and supported by the fact that she also sent in a utility bill with her hearing request. MassHealth is only willing to

approve retroactive coverage to May 4, 2024, however, under 130 CMR 502.003(D)(2)(C). As the appellants filed a timely appeal and submitted the proof of residency prior to the hearing, pursuant to 130 CMR 610.071, they should both have retroactive coverage with no gaps. Thus, their MassHealth benefits should commence effective April 3, 2024. For the reasons set forth above this appeal is APPROVED.

Order for MassHealth

Reinstate MassHealth Limited benefits effective April 3, 2024.

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