

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2407443
<b>Decision Date:</b>	08/13/2024	<b>Hearing Date:</b>	6/10/2024
<b>Hearing Officer:</b>	Patrick Grogan	<b>Record Open to:</b>	7/26/24

**Appearance for Appellant:**



**Appearance for MassHealth:**

Courtney Juday

**Interpreter:**

N/A



*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>	Verifications, Eligibility Over 65
<b>Decision Date:</b>	08/13/2024	<b>Hearing Date:</b>	6/10/24
<b>MassHealth's Rep.:</b>	Courtney Juday	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Remote (Tel)	<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 April 29, 2024, MassHealth denied the Appellant's application for MassHealth benefits because MassHealth determined that the Appellant did not provide necessary information MassHealth requires to decide the Appellant's eligibility within the required time frame (see 130 CMR 515.008 and Exhibit 1). The Appellant filed this appeal in a timely manner on May 8, 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 denied the Appellant's application for MassHealth benefits because MassHealth determined that the Appellant did not provide necessary information MassHealth requires to decide the Appellant's eligibility within the required time frame (see 130 CMR 515.008 and Exhibit 1).

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 515.008, in determining that the Appellant did not provide necessary information MassHealth requires to

decide the Appellant's eligibility within the required time frame (see 130 CMR 515.008 and Exhibit 1).

## Summary of Evidence

The Appellant, an individual over the age of 65, filed a renewal form for MassHealth benefits in January 2024. (Exhibit 1, Testimony) A request for information was sent out in January 2024. (Testimony). No response was received to the request for information. (Testimony) A denial, which is the subject of this appeal, was sent to the Appellant. (Exhibit 1)

The Appellant filed an appeal, and a hearing was held on June 10, 2024. (Exhibit 2, Testimony) At the Hearing, MassHealth listed multiple required items outstanding for MassHealth to make a determination regarding eligibility. (Exhibit 4, Testimony). Specifically, MassHealth required submission of 1) a signature page for the renewal form, 2) documentation from [REDACTED] for a specific bank account 3) Information related to a 401K through [REDACTED] and 4) Information related to real property in [REDACTED] (Exhibit 5, Testimony). The Record was left open until July 12, 2024 for the Appellant to provide the required information and until July 26, 2024 for MassHealth to review. (Exhibit 4).

As the list of outstanding verifications was stated again on the Record, as MassHealth was explaining what was needed in relation to the real property in [REDACTED] the Appellant abruptly stated he wanted to end the appeal and terminated the call. In an abundance of fairness to the Appellant, since the Record Open had already been extended to the Appellant during the Hearing, the Record Open Form was mailed to the Appellant as ordered at the Hearing. (Testimony)

On July 29, 2024, MassHealth responded that no additional documents were received by MassHealth on behalf of the Appellant at the close of the Record Open period. (Exhibit 5)

## Findings of Fact

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

1. The Appellant, an individual over the age of 65, filed renewal form for MassHealth benefits in January of 2024. (Exhibit 1, Testimony)
2. The Appellant filed an appeal, and a hearing was held on June 10, 2024. (Exhibit 2, Testimony)
3. MassHealth required submission of multiple documents to determine the Appellant's eligibility: 1) a signature page for the renewal form, 2) documentation from [REDACTED] for specific bank account 3) Information related to a 401K through [REDACTED]

██████████ and 4) Information related to real property in ██████████ (Exhibit 4, Testimony). The Record was left open until July 12, 2024 for the Appellant to provide the required information and until July 26, 2024 for MassHealth to review. (Exhibit 4).

4. The Record was left open until July 12, 2024 for the Appellant to provide the required information and until July 26, 2024 for MassHealth to review. (Exhibit 4).
5. At Hearing, the Appellant stated that he wished to end the Appeal and abruptly terminated the phone call. (Testimony)
6. On July 29, 2024, MassHealth responded that no additional documents were received by MassHealth on behalf of the Appellant at the close of the Record Open period. (Exhibit 5)

## Analysis and Conclusions of Law

The Appellant has the burden "to demonstrate the invalidity of the administrative determination." Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228. See also Fisch v. Board of Registration in Med., 437 Mass. 128, 131 (2002); Faith Assembly of God of S. Dennis & Hyannis, Inc. v. State Bldg. Code Commn., 11 Mass. App. Ct. 333, 334 (1981); Haverhill Mun. Hosp. v. Commissioner of the Div. of Med. Assistance, 45 Mass. App. Ct. 386, 390 (1998). MassHealth administers and is responsible for the delivery of health-care services to MassHealth members. (130 CMR 515.002). The regulations governing MassHealth at 130 CMR 515.000 through 522.000 (referred to as Volume II) provide the requirements for noninstitutionalized persons aged 65 or older, institutionalized persons of any age, persons who would be institutionalized without community-based services, as defined by Title XIX of the Social Security Act and authorized by M.G.L. c. 118E, and certain Medicare beneficiaries. (130 CMR 515.002). The Appellant in this case is an noninstitutionalized person over the age of 65. Therefore, the regulations at 130 CMR 515.000 through 522.000 apply to this case. (130 CMR 515.002).

MassHealth may provide coverage for low- and moderate-income individuals and couples:

### 515.002: Introduction to MassHealth

(A) The MassHealth agency is responsible for the administration and delivery of health-care services to low- and moderate-income individuals and couples.

(B) 130 CMR 515.000 through 522.000: Other Division Programs provide the MassHealth requirements for persons who are institutionalized, 65 years of age or older, or who would be institutionalized without community-based services in accordance with all applicable laws, including Title XIX of the Social Security Act.

As a threshold to coverage, MassHealth must determine eligibility of an Appellant. In order to determine an Appellant's eligibility, it is incumbent upon an applicant to cooperate with

MassHealth and provide necessary information for a determination:

515.008: Responsibilities of Applicants and Members

(A) Responsibility to Cooperate. The applicant or member must cooperate with the MassHealth agency in providing information necessary to establish and maintain eligibility, and must comply with all the rules and regulations of MassHealth, including recovery and obtaining or maintaining other health insurance.

Here, MassHealth required additional information to determine eligibility, and despite requests for additional information, ultimately did not receive the information required for the determination. (Testimony, 130 CMR 516.001(B)) A Notice of denial was sent to the Appellant in accordance with the Regulations. (Exhibit 1, 130 CMR 516.001 (C)).

516.001: Application for Benefits

(B) Corroborative Information. The MassHealth agency requests all corroborative information necessary to determine eligibility.

(1) The MassHealth agency sends the applicant written notification requesting the corroborative information generally within five days of receipt of the application.

(2) The notice advises the applicant that the requested information must be received within 30 days of the date of the request, and of the consequences of failure to provide the information.

(C) Receipt of Corroborative Information. If the requested information, with the exception of verification of citizenship, identity, and immigration status, is received within 30 days of the date of the request, the application is considered complete. The MassHealth agency will determine the coverage type providing the most comprehensive medical benefits for which the applicant is eligible. If such information is not received within 30 days of the date of the request, MassHealth benefits may be denied.

The Appellant chose to appeal, and at the June 10, 2024 Hearing, additional time was granted to provide MassHealth the information necessary to determine the Appellant's eligibility. (Exhibit 4) On July 29, 2024, MassHealth responded that no additional documents were received by MassHealth on behalf of the Appellant at the close of the Record Open period. (Exhibit 5)

Here, the Appellant has not cooperated with MassHealth to provide the necessary initial information and corroborative information for MassHealth to make a determination regarding eligibility for MassHealth benefits. Additionally, the Appellant has not met the burden to show that MassHealth's denial due to its inability to determine eligibility is invalid. Accordingly, this appeal is 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.

## **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.

---

Patrick Grogan  
Hearing Officer  
Board of Hearings

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104, 413-785-4186