

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2408911
Decision Date:	8/12/2024	Hearing Date:	07/11/2024
Hearing Officer:	Mariah Burns		

Appearance for Appellant:



Appearance for MassHealth:

Connie Dorvil, Tewksbury 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:	Dismissed	Issue:	Under 65; Eligibility; Income
Decision Date:	8/12/2024	Hearing Date:	07/11/2024
MassHealth's Rep.:	Connie Dorvil	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

On May 24, 2024, MassHealth generated two separate notices for the appellant and her family, one approving the appellant for MassHealth Standard, and a second informing the appellant that, due to a change in her household's income, her family would continue to receive MassHealth Standard through Transitional Medical Assistance (TMA). *See* 130 CMR 505.002(L)(3) and Exhibit 1). The appellant filed this appeal in a timely manner on June 4, 2024. *See* 130 CMR 610.015(B) and Exhibit 2. Challenging the scope and amount of assistance is valid grounds for appeal. *See* 130 CMR 610.032.

Action Taken by MassHealth

MassHealth placed the appellant's household on MassHealth Standard through Transitional Medical Assistance after determining that she no longer meets the income requirements.

Issue

The appeal issue is whether MassHealth correctly calculated the appellant's household size and

gross monthly income when placing the family on TMA.

Summary of Evidence

The appellant is an adult under the age of [REDACTED]. She presented at the hearing in person with her non-marital partner. MassHealth was represented by a worker from the Tewksbury Enrollment center who participated by telephone. The following is a summary of the evidence provided at hearing.

Between May 15, 2024, and May 24, 2024, MassHealth generated numerous different notices and letters, all placing the appellant on various levels of benefits. The most recent notices, from May 24, approved the appellant for MassHealth Standard, but also placed the appellant's family on Transitional Medical Assistance (TMA), which is a temporary protection provided by regulation that allows families with young children to continue to receive MassHealth Standard for one year after their income exceeds 133% of the federal poverty level. *See* 130 CMR 505.002(L)(3). In placing the appellant's household on TMA, MassHealth found that she resides in a household of four, and that her household income puts her at 218.50% of the federal poverty level.

At hearing, the appellant and her partner explained that they reside together with four their children, three of whom MassHealth considered to be a part of the appellant's household. The appellant's partner explained that the fourth child is his biological child, and not the appellant's, and that he is not currently working. The appellant stated that she intended to claim all four children and her partner on her taxes in the upcoming year. MassHealth agreed that this representation meant that the appellant resides in a household of six for modified adjusted gross income (MAGI) purposes.

The appellant also showed the hearing officer her five previous pay stubs, which compensate her on a bi-weekly basis. Those pay stubs showed the following gross income for each pay-period:

- May 17: \$1628.58
- May 31: \$1639.84
- July 14: \$2000.48
- June 28: \$1812.79
- July 12: \$2244.11

The appellant and her partner reported that no other individual in the household earns any income. When added together, the sum of those pay stubs is \$9325.80 over five pay-periods. When divided by 5, the appellant averages \$1865.16 in gross income per bi-weekly pay period. When multiplied by 26, or half the number of weeks in a year, the appellant's gross yearly income is \$48,494.16. When divided by 12, the appellant's monthly income is \$4041.18. The hearing officer presented those calculations during the hearing, and the appellant and the MassHealth

representative agreed to those calculations. The hearing officer also calculated that, based on a household size of six, \$4041.18 equates to approximately 110.59% of the federal poverty level. The MassHealth agreed with this assessment.

Based on the calculation of the appellant's household size and income at hearing, the parties all agreed that the appellant's gross income places her under 133% of the federal poverty level, which qualifies her for MassHealth Standard without TMA. However, the MassHealth representative would not commit to generating a new notice terminating the appellant's placement on TMA.

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] who resides in a household of six with her partner and their children. Testimony, Exhibit 4.
2. On May 24, 2024, MassHealth generated two notices, one placing the appellant on MassHealth Standard, and one informing her that she was receiving that MassHealth Standard temporarily through TMA due to her household income. Exhibit 1.
3. The appellant filed a timely request for fair hearing on June 7, 2024. Exhibit 2.
4. The appellant's monthly household income is \$4041.18. Testimony.
5. \$4041.18 in monthly income for a household of six equates to approximately 110.59%. Testimony, MassHealth Income Standards for 2024.
6. The appellant and her family qualify for MassHealth Standard and should not be placed on Transitional Medical Assistance. Testimony.
7. MassHealth would not commit to generating a notice terminating the appellant's TMA and placing her solely on MassHealth Standard.

Analysis and Conclusions of Law

MassHealth provides extended eligibility for certain MassHealth Standard recipients whose income goes over 133% of the federal poverty level. In circumstances specifically relevant to this appellant, the following regulations apply:

Members of a MassHealth MAGI household who receive MassHealth Standard (whether or not they receive TAFDC) and have earnings that raise the

MassHealth MAGI household's modified adjusted gross income above 133% of the federal poverty level (FPL) continue to receive MassHealth Standard for a full 12-calendar-month period that begins with the date on which the members MAGI exceeds 133% of the federal poverty level (FPL) if:

- (a) the MassHealth household continues to include a child younger than [REDACTED] years old living with the parent or caretaker;
- (b) a parent or caretaker relative continues to be employed;
- (c) the parent or caretaker relative complies with 130 CMR 505.002(M); and
- (d) the member is a citizen or a qualified noncitizen.

130 CMR 505.002(L)(3). These regulations set the foundation for Transitional Medical Assistance, or TMA. Generally, individuals can establish eligibility for MassHealth Standard without TMA if they meet the following income requirements: a MAGI of the MassHealth Household of less than or equal to 133% of the federal poverty level for parents and caretaker relatives, 150% for children and young adults aged [REDACTED] and 200% for children younger than [REDACTED]. See generally, 130 CMR 505.002(B) and (C).¹

In this case, there is no dispute that the appellant resides in a household of six and that her total household MAGI is approximately 110% of the federal poverty level for a household of that size. There is also no dispute that, based on those findings, the appellant's household should not have been placed on TMA on May 24, 2024. For those reasons, I find that MassHealth erred only by failing to rescind the May 24, 2024 notices and not committing to issue a new notice removing the appellant from TMA pursuant to 130 CMR 310.015(A).

For the foregoing reasons, the appeal is hereby APPROVED.

Order for MassHealth

Rescind both notices from May 24, 2024. Issue a new notice approving each member of the appellant's household for MassHealth Standard without Transitional Medical Assistance retroactive to May 24, 2024.

¹ This is not an extensive eligibility list, merely the only individuals who are applicable in this case.

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.

Mariah Burns
Hearing Officer
Board of Hearings

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center