

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2409388
Decision Date:	07/23/2024	Hearing Date:	07/19/2024
Hearing Officer:	Amy B. Kullar, Esq.		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Elizabeth Cruz, 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:	Denied	Issue:	Under 65; Eligibility
Decision Date:	07/23/2024	Hearing Date:	07/19/2024
MassHealth's Rep.:	Elizabeth Cruz, Tewksbury MEC	Appellant's Rep.:	Pro se
Hearing Location:	Tewksbury MassHealth Enrollment Center Room 1	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 May 28, 2024, MassHealth terminated the appellant's MassHealth benefits for failure to submit an annual renewal application. *See* 130 CMR 502.007(A) and Exhibit 1. The appellant filed this appeal in a timely manner on June 14, 2024. *See* 130 CMR 610.015(B) and Exhibit 2. Termination of assistance is valid grounds for appeal. *See* 130 CMR 610.032.

Action Taken by MassHealth

MassHealth terminated the appellant's benefits.

Issue

The appeal issue is whether MassHealth correctly determined that the appellant failed to submit a renewal application, leading to the termination of his benefits.

Summary of Evidence

The appellant is an adult between the ages of 19 and 65. MassHealth was represented by a worker from the Tewksbury MassHealth Enrollment Center. All parties appeared by telephone. The following is a summary of the evidence provided at the hearing.

The MassHealth representative testified that the appellant was sent a renewal application on March 26, 2024, and that a response from the appellant was due back to MassHealth by May 10, 2024. She reported that the agency never received the renewal application from the appellant. The notice terminating the appellant's MassHealth benefits was sent out on May 28, 2024, and the appellant's MassHealth benefits were terminated on June 11, 2024.

The appellant did not contest the assertion that he did not submit a renewal application. Instead, he reported that he had been unhoused at the time the renewal application was sent to him and that he had recently moved. The appellant's current mailing address was confirmed. When asked if he had been able to file a renewal application in the month since he filed the appeal, he stated that he had not been able to find the time to complete the renewal. The MassHealth representative stated she had been unable to reach the appellant telephonically prior to the hearing and that there were several ways that the appellant could renew his MassHealth benefits. The appellant was concerned with how soon his coverage could be restored; the MassHealth representative testified that she is able to restore coverage ten days prior to the date of receipt of the renewal application. The appellant was urged to complete his renewal as soon as possible to limit his gap in coverage. The MassHealth representative provided the phone number for the appellant to telephonically renew his benefits and also stated that she would mail the appellant a renewal application to his new address.

Findings of Fact

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

1. The appellant is an adult between the ages of 19 and 65. Testimony, Exhibit 4.
2. MassHealth sent the appellant a renewal application on March 26, 2024, and the appellant had until May 10, 2024 to respond to MassHealth. Testimony.
3. The appellant failed to submit a renewal application to MassHealth, which the appellant does not dispute. Testimony, Exhibit 1.
4. MassHealth issued a termination notice to the appellant on May 28, 2024. Exhibit 1.
5. The appellant's MassHealth benefits were terminated on June 11, 2024. Testimony, Exhibit 1.

6. The appellant filed a timely notice of appeal on June 14, 2024. Exhibit 2.
7. As of the date of the hearing, the appellant had still not completed his annual renewal application for his MassHealth benefits. Testimony.

Analysis and Conclusions of Law

MassHealth reviews a member's eligibility once every twelve months through automatic renewal, a renewal application, or periodic data matches. 130 CMR 502.007(A) and (C). The agency first attempts an automatic renewal "based on electronic data matches with federal and state agencies." *Id.* at 502.007(C)(1). If an automatic renewal is not possible, MassHealth uses the following process:

(2) Prepopulated Renewal Application. Households whose continued eligibility cannot be determined based on electronic data matches with federal and state agencies and households whose eligibility would change to a less comprehensive benefit for at least one member of the household as a result of the data matches will be required to complete a prepopulated renewal application.

(a) The MassHealth agency will notify the head of household of the need to complete the renewal application.

(b) The head of household will be given 45 days from the date of the request to return the paper prepopulated renewal application, log onto their MAHealthConnector.org account to complete the renewal application online, or call the MassHealth agency to complete the renewal application telephonically.

1. If the renewal application is completed within 45 days, eligibility will be determined using the information provided by the individual with verification confirmed through electronic data matches if available. If verification through electronic data match is unsuccessful, the MassHealth agency will request required verifications as described in 130 CMR 502.003 and the individual continues to receive benefits pending verification.

2. If the renewal application is not completed within 45 days, the MassHealth agency will

- a. use information received from electronic sources, if available, and redetermine eligibility; or
- b. if information is not available from electronic sources, terminate MassHealth coverage as described at 130 CMR 502.006(B).

Here, the appellant does not challenge the assertion that he did not submit his renewal application as required. He will not receive MassHealth benefits until he completes the required annual renewal. The appellant testified that he was unable to complete the renewal application in a timely manner because he was experiencing periods of homelessness and moving; however, this testimony is not credible as the appellant was able to respond within two weeks to the notice terminating his coverage even though it was sent to the same address as the renewal application. The appellant is urged to complete his renewal application as soon as possible so that his coverage may be restored as soon as possible.

I find that MassHealth made no error in issuing the May 28, 2024 termination notice.

For the foregoing reasons, the 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.

Amy B. Kullar, Esq.
Hearing Officer
Board of Hearings

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957