

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Approved	<b>Appeal Number:</b>	2409697
<b>Decision Date:</b>	08/07/2025	<b>Hearing Date:</b>	08/07/2025
<b>Hearing Officer:</b>	Mariah Burns		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Elizabeth Nickoson, Taunton 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

<b>Appeal Decision:</b>	Approved	<b>Issue:</b>	Community Eligibility; Under 65; Residency
<b>Decision Date:</b>	08/07/2025	<b>Hearing Date:</b>	08/07/2025
<b>MassHealth's Rep.:</b>	Elizabeth Nickoson	<b>Appellant's Rep.:</b>	██████
<b>Hearing Location:</b>	Telephone (Taunton)	<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 June 2, 2024, MassHealth denied the appellant's renewal application for MassHealth benefits because the appellant did not provide proof of Massachusetts residency. *See* 130 CMR 503.002 and Exhibit 1. The appellant filed this appeal in a timely manner on June 20, 2024. *See* 130 CMR 610.015(B) and Exhibit 2. Due to a scheduling error with the Board of Hearings, and through no fault of the appellant, this case was not scheduled for a hearing until August 7, 2025. Exhibit 3. Denial of assistance is valid grounds for appeal. *See* 130 CMR 610.032.

### Action Taken by MassHealth

MassHealth denied the appellant's renewal application for benefits for failure to provide proof of Massachusetts residency.

### Issue

The appeal issue is whether MassHealth was correct in terminating the appellant's benefits for failure to provide proof of her Massachusetts residency.

## Summary of Evidence

The appellant is an adult under the age of 65 who resides in a household of two with her minor child. MassHealth was represented by a worker from the Taunton MassHealth Enrollment Center. All parties appeared at the hearing by telephone. The following is a summary of the testimony and evidence provided:

On June 2, 2024, MassHealth attempted to automatically renew the MassHealth benefits of the appellant and her daughter. Because the appellant had an address verification that expired in November 2023, MassHealth was able to renew the child's MassHealth Standard benefits but not the appellant's. MassHealth issued a notice to that effect on that date. The appellant last received MassHealth Standard benefits on December 7, 2023.<sup>1</sup>

The appellant testified that she has lived at her current address in Massachusetts for her entire life and has never resided outside of the Commonwealth. She reported that she recently received a raise in income at her job, but all parties agree that the appellant has maintained financial eligibility for MassHealth Standard benefits since the June 2, 2024, notice issued. The MassHealth representative accepted the appellant's testimony that she is a current resident and agreed to prospectively reinstate the appellant's MassHealth Standard benefits, retroactive to July 27, 2025, considering that information. The appellant reported that she has unpaid medical bills from the previous year without MassHealth coverage, and that some of them have gone to collections due to her inability to pay.

## Findings of Fact

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

1. The appellant is an adult under the age of 65 who resides in a household of two with her minor child. Exhibit 4, Testimony.
2. On June 2, 2024, MassHealth attempted to automatically renew the appellant's MassHealth Standard benefits but was unable to due to an expired request for verification of her Massachusetts residency. Massachusetts sent a notice to that effect on that date. Exhibit 1, Testimony.
3. The appellant last received MassHealth Standard on December 7, 2023. Exhibit 4.
4. The appellant filed a timely request for fair hearing on June 20, 2024. Exhibit 2. Due to a

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<sup>1</sup> The MassHealth representative reported that the appellant's child's benefits have remained unaffected by these issues and remain active today.

scheduling error with the Board of Hearings, the case was not scheduled for a hearing until August 7, 2025.

5. The appellant currently resides in the Commonwealth of Massachusetts and has lived here for her entire life. Testimony. She has maintained financial eligibility for MassHealth Standard since the issuance of the June 2, 2024, notice. Testimony.

6. The MassHealth representative agreed to reinstate the appellant's MassHealth Standard benefits prospectively, with a start date of July 27, 2025, after hearing her testimony regarding her Massachusetts residency and income. Testimony.

## **Analysis and Conclusions of Law**

MassHealth is responsible for the administration and delivery of relevant services to eligible low- and moderate-income individuals, couples, and families. 130 CMR 501.002(A). As a condition of eligibility, "an applicant must be a resident of the Commonwealth of Massachusetts." 130 CMR 503.002. An individual's residency is confirmed in the following manner:

(E) (1) The individual's residency is considered verified if the individual has attested to Massachusetts residency and the residency has been confirmed by electronic data matching with federal or state agencies or information services.

(2) If residency cannot be verified through electronic data matching or there is conflicting information, the MassHealth agency may require documentation to validate residency.

(F) Acceptable proof of Massachusetts residency includes the following, as well as any other verification allowed as determined by the MassHealth agency:

(1) copy of deed and record of most recent mortgage payment (if mortgage is paid in full, provide a copy of property tax bill from the most recent year);

(2) current utility bill or work order dated within the past 60 days;

(3) statement from a homeless shelter or homeless service provider;

(4) school records (if school is private, additional documentation may be requested);

(5) nursery school or daycare records (if school is private, additional documentation may be requested);

(6) Section 8 agreement;

(7) homeowner's insurance agreement;

(8) proof of enrollment of custodial dependent in public school;

(9) copy of lease and record of most recent rent payment; or

(10) affidavit supporting residency signed under pains and penalties of perjury that states the individual is not visiting Massachusetts for personal

pleasure or to receive medical care in a setting other than a nursing facility.

130 CMR 503.002(E)-(F). MassHealth members are required to “cooperate with the MassHealth agency in providing information necessary to establish and maintain eligibility...” 130 CMR 501.010(A).

An appellant bears the burden of proof at fair hearings “to demonstrate the invalidity of the administrative determination.” *Andrews v. Division of Medical Assistance*, 68 Mass. App. Ct. 228, 231 (2006). The fair hearing decision, established by a preponderance of evidence, is based upon “evidence, testimony, materials, and legal rules, presented at hearing, including the MassHealth agency’s interpretation of its rules, policies and regulations.” Further, “[t]he effective date of any adjustment to the appellant’s eligibility status is the date on which all eligibility conditions were met, regardless of when the supporting evidence was submitted.” 130 CMR 610.071(A)(2).

In this case, although the appellant had an expired residency request on file, she credibly testified that she is a resident of Massachusetts and has been for her entire life. That testimony was accepted by the MassHealth representative at the hearing, who agreed to prospectively reinstate her benefits at the hearing. The parties also agree that the appellant has maintained financial eligibility for MassHealth Standard since the issuance of the June 2, 2024, notice. Therefore, although I do not find that the notice was technically issued in error, I do find that the appellant met the conditions for MassHealth eligibility on the date the notice issued, and she properly appealed that notice, preserving the issue. For those reasons, and pursuant to 130 CMR 610.071(A)(2), I find that the reinstatement of the appellant’s MassHealth Standard benefits should be made retroactive to June 2, 2024.

For the foregoing reasons, the appeal is hereby APPROVED.

## **Order for MassHealth**

Reinstate the appellant’s MassHealth Standard benefits retroactive to June 2, 2024, and send her a notice to that effect.

## 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.

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Mariah Burns  
Hearing Officer  
Board of Hearings

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center