

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2410471
Decision Date:	09/17/2024	Hearing Date:	08/13/2024
Hearing Officer:	Sharon Dehmand	Record Open to:	09/03/2024

Appearance for Appellant:




Appearance for MassHealth:

Sophia Beauport-Lafontant, Charlestown MEC



*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:	Community Eligibility - Over 65; Verifications; Immigration Status
Decision Date:	09/17/2024	Hearing Date:	08/13/2024
MassHealth's Rep.:	Sophia Beauport-Lafontant	Appellant's Rep.:	
Hearing Location:	Remote	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 June 20, 2024, MassHealth approved the appellant for MassHealth Limited benefits effective on June 1, 2024. See 130 CMR 519.009 and Exhibit 1. The appellant filed this appeal in a timely manner on July 3, 2024. See 130 CMR 610.015(B) and Exhibit 2. Challenging agency determinations regarding scope and amount of assistance is valid grounds for appeal to the Board of Hearings. See 130 CMR 610.032(A)(5).

Action Taken by MassHealth

MassHealth approved the appellant for MassHealth Limited benefits, because she was unable to provide proof of immigration status.

Issue

Whether MassHealth was correct in determining that the appellant is ineligible for benefits beyond MassHealth Limited. See 130 CMR 518.005(B); 518.006; 518.004(A)(3)(a); and 519.009.

Summary of Evidence

All parties participated telephonically. MassHealth was represented by a worker from the Charlestown MassHealth Enrollment Center. The appellant was represented by an employee of Department of Mental Health, who verified her identity. The following is a summary of the testimonies and evidence provided at both hearings:

The MassHealth representative testified that the appellant received MassHealth CarePlus benefits from December 13, 2017 to June 17, 2018. The appellant applied for MassHealth benefits in 2020 and received MassHealth Limited benefits which ended in 2023, after the public health emergency was lifted. A new over-65 application was submitted on the appellant's behalf on February 15, 2024. On June 20, 2024, the appellant was approved for MassHealth Limited because MassHealth was unable to verify the appellant's immigration status. As of the date of hearing, the appellant had not provided any documentation proving her legal presence in the United States.

The appellant's representative testified that the appellant was evicted from her apartment in [REDACTED], and the property management withheld all her personal belongings. The appellant was only able to retrieve her Canadian citizenship document, with no other forms of identification. The appellant testified that she is a Canadian citizen. She said that she is not a United States citizen, but that she is a permanent resident.

The appellant's representative stated that the appellant was previously employed by three different universities in Massachusetts and has a valid Social Security number. She argued that having a valid Social Security number should be sufficient proof of legal status. The appellant's representative stated that despite her efforts, she has been unable to obtain proof of the appellant's immigration status. She explained that government agencies require two forms of identification in order to provide any documentation. Since the appellant only has her Canadian citizenship document and no other identification, agencies will not produce copies of any documents.

Since the appellant had submitted prior applications to MassHealth, the record was held open until September 3, 2024, to allow the MassHealth representative to request copies of the appellant's prior submissions in case a copy of her Permanent Residency Card (a.k.a. Green Card) could be located.

Through an email on September 5, 2024, the MassHealth representative produced the appellant's prior applications. However, proof of immigration status which was requested as part of those applications was not provided. The MassHealth representative stated that no proof of immigration status has ever been provided to MassHealth.

Findings of Fact

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

1. The appellant is over the age of 65. (Testimony).
2. The appellant had MassHealth CarePlus benefits from December 13, 2017 to June 17, 2018. (Testimony and Exhibit 4).
3. The appellant had MassHealth Limited benefits from 2020 until 2023. (Testimony and Exhibit 4).
4. A new over-65 application was submitted on the appellant's behalf on February 15, 2024. (Testimony).
5. Through a notice dated June 20, 2024, the appellant was approved for MassHealth Limited due to her immigration status. (Testimony and Exhibit 1).
6. The appellant filed this appeal in a timely manner on July 3, 2024. (Exhibit 2).
7. As of the date of hearing, the appellant has not provided any documentation proving her legal presence in the United States. (Testimony).
8. No proof of immigration status has ever been provided to MassHealth. (Exhibit 7).

Analysis and Conclusions of Law

MassHealth administers and is responsible for delivery of healthcare benefits to MassHealth members. See 130 CMR 515.002. The MassHealth regulations at 130 CMR 515.000 through 522.000 provide the requirements for MassHealth eligibility for persons over the age of 65. (Referred to as Volume II). As the appellant is over 65 years old, she is subject to the requirements of the provisions of Volume II. Id.

MassHealth's regulations regarding citizenship and immigration can be found at 130 CMR 518.000, and specific requirements for immigrants are codified at 130 CMR 518.003. Persons applying for or receiving MassHealth must verify their citizenship and identity or immigration status. See 130 CMR 518.001. MassHealth requires verification of U.S. citizenship or immigration status for all MassHealth applicants, except other noncitizens. See 130 CMR 518.004(A).¹

¹ Noncitizens are those whose status is not described in 130 CMR 518.003(A) through (C). See 130 CMR 518.003(D).

Here, the appellant testified that she was not a U.S. citizen. She stated that she was a legal permanent resident. She stated that she has a Green Card, but she admitted that she could not provide any documentation substantiating her claim.

The MassHealth agency will initiate electronic data matches to attempt to verify U.S. citizenship or immigration status. If electronic data sources are unable to verify U.S. citizenship or immigration status, additional documentation will be required from the individual. See 130 CMR 518.004(A)(1). Acceptable proof of immigration status as described in 130 CMR 518.005(B) is any verification allowed under federal law as determined by the MassHealth agency.

In this case, MassHealth has been unable to verify the appellant's immigration status. The MassHealth representative testified that MassHealth requires a copy of the appellant's Green Card as verification of her immigration status. The appellant has not provided MassHealth with any verification regarding her immigration status. The appellant's representative testified that she has been unable to obtain a copy of the appellant's Green Card because she does not have a second form of identification. She explained that without a second form of identification, government agencies will not provide copies of any documents. The burden of proof is on the appellant. Since the appellant is unable to produce any documentary evidence regarding her immigration status, she fails to meet her burden. See Craven v. State Ethics Comm'n, 390 Mass. 191, 200 (1983)("[p]roof by a preponderance of the evidence is the standard generally applicable to administrative proceedings").

Lastly, individuals who fail to submit proof of immigration status within 90 days of the MassHealth agency's request will subsequently be eligible only for MassHealth Limited if they meet the categorical requirements and financial standards of MassHealth Standard. See 130 CMR 518.004(A)(3)(a). Since the appellant has not submitted any proof of her immigration status and in fact testified that she does not have such evidence, MassHealth correctly determined that the appellant is eligible for MassHealth Limited.

For the foregoing reasons, the appeal is hereby 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.

Sharon Dehmand, Esq.
Hearing Officer
Board of Hearings



MassHealth Representative: Nga Tran, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129