

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2412687
Decision Date:	12/10/2024	Hearing Date:	9/19/2024
Hearing Officer:	Patrick Grogan	Record Open to:	11/1/24

Appearance for Appellant:



Appearance for MassHealth:

Sarah Santos Plassmann, Charlestown MEC

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

Appeal Decision:	Denied	Issue:	Job Update Form, Eligibility under 65
Decision Date:	12/10/2024	Hearing Date:	9/19/2024
MassHealth's Rep.:	Sarah Santos Plassmann	Appellant's Rep.:	
Hearing Location:	Remote (Tel)	Aid Pending:	Yes

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 August 7, 2024, MassHealth terminated the Appellant's MassHealth benefits because MassHealth received information from available state or federal data sources that affected the eligibility of the Appellant, MassHealth sent an inquiry requesting additional information, however, the Appellant did not respond in the time allowed. (see 130 CMR 502.007 and Exhibit 1). The Appellant filed this appeal in a timely manner on August 15, 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 terminated the Appellant's MassHealth benefits because MassHealth received information from available state or federal data sources that affected the eligibility of the Appellant, MassHealth sent an inquiry requesting additional information, however, the Appellant did not respond in the time allowed. (see 130 CMR 502.007 and Exhibit 1).

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 502.007, in terminating the Appellant's MassHealth benefits because MassHealth received information from available state or federal data sources that affected the eligibility of the Appellant, MassHealth sent an inquiry requesting additional information, however, the Appellant did not respond in the time allowed (see 130 CMR 515.008 and Exhibit 1).

Summary of Evidence

The Appellant, an individual under the age of 65, received a termination Notice, dated August 7, 2024, because MassHealth received information from available state or federal data sources that affected the eligibility of the Appellant, MassHealth sent an inquiry requesting additional information, however, the Appellant did not respond in the time allowed. (see 130 CMR 502.007 and Exhibit 1). The Appellant filed an appeal, and a hearing was held on September 19, 2024. (Exhibit 2, Exhibit 3 Testimony) At the Hearing, MassHealth explained that MassHealth required a job update form, and despite a request, MassHealth did not receive the job update form, prompting the Notice terminating the Appellant's MassHealth coverage. (Testimony)

The Record was left open until October 18, 2024 for the Appellant to provide the job update form and until November 1, 2024 for MassHealth to confirm receipt of the job update form. (Exhibit 6). In response to inquiry posed, on November 6, 2024, MassHealth confirmed no new documentation had been submitted to MassHealth. (Exhibit 7)

After the Record closed for both the Appellant and MassHealth, and after MassHealth's November 6, 2024 confirmation that no new documentation had been received (Exhibit 7), documents were received by the EDMC. Specifically, on November 13, 2024, a facsimile was received at the EDMC with various documents enclosed. No job update form was included within the submission. No request to reopen the Administrative Record was submitted. No explanation regarding the untimeliness of the submission was offered, not only after the close of the Administrative Record for the Appellant, but after the close of the entirety of the Administrative Record Open period. Accordingly, the submission is beyond the allowable timing for submission and inclusion within this appeal and is not incorporated within this Administrative Record¹.

Findings of Fact

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

¹ In an abundance of fairness to the Appellant, the documents that had been submitted untimely were forwarded to MassHealth. MassHealth confirmed that the required job update form was not included and the proffered submission did not meet the requirement of filing the job update form, for which the Record Open period had been extended. (Exhibit 8)

1. The Appellant, an individual under the age of 65, received a termination Notice, dated August 7, 2024, because MassHealth received information from available state or federal data sources that affected the eligibility of the Appellant, MassHealth sent an inquiry requesting additional information, however, the Appellant did not respond in the time allowed. (see 130 CMR 502.007 and Exhibit 1).
2. The Appellant filed an appeal, and a hearing was held on September 19, 2024. (Exhibit 2, Exhibit 3 Testimony)
3. MassHealth required a job update form, and despite a request, MassHealth did not receive the job update form, prompting the Notice terminating the Appellant's MassHealth coverage. (Testimony)
4. The Record was left open until October 18, 2024 for the Appellant to provide the job update form and until November 1, 2024 for MassHealth to confirm receipt of the job update form. (Exhibit 6).
5. In response to inquiry posed, on November 6, 2024, MassHealth confirmed no new documentation had been submitted to MassHealth. (Exhibit 7)
6. On November 13, 2024, a facsimile was received at the EDMC with various documents enclosed. No job update form was included within the submission. No request to reopen the Administrative Record was submitted. No explanation regarding the untimeliness of the submission was offered, not only after the close of the Administrative Record for the Appellant, but after the close of the entirety of the Administrative Record Open period. Accordingly, the submission is beyond the allowable timing for submission and inclusion within this appeal and is not incorporated within this Administrative Record.

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).

Despite multiple opportunities provided to the Appellant, the Appellant has not returned the job update form to MassHealth. 130 CMR 502.007(C)(3) states

502.007: Continuing Eligibility
(C) Eligibility Reviews.

(3) Periodic Data Matches. The MassHealth agency matches files of MassHealth members with other agencies and information sources as described in 130 CMR 502.004 to update or verify eligibility.

(a) If the electronic data match indicates a change in circumstances that would result in potential reduction or termination of benefits, the MassHealth agency will notify the member of the information that was received through the data match and require the member to respond within 30 days of the date of the notice.

1. If the member responds within 30 days and confirms the data is correct, eligibility will be determined using the confirmed data from the electronic data match.

2. If the member responds within 30 days and provides new information, eligibility will be determined using the information provided by the member. Additional verification from the member will be required.

3. If the member does not respond within 30 days, eligibility will be determined using available information received from the electronic data sources. If information necessary for eligibility determination is not available from electronic data sources, MassHealth coverage will be terminated.

(b) If the electronic data match indicates a change in circumstances that would result in an increase or no change in benefits, the MassHealth agency will automatically update the case using the information received from the electronic data match and redetermine eligibility. If the member's coverage type changes to a more comprehensive benefit, the member will be sent a notice informing them of the start date for the new benefit. The effective date of the more comprehensive benefit is determined in accordance with 130 CMR 502.006(A).

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, report changes and provide necessary information for a determination:

501.010: 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 available health insurance. The MassHealth agency may request corroborative information necessary to maintain eligibility, including obtaining or maintaining available health insurance. The applicant or member must supply such information within 30 days of the receipt of the agency's request. If the member does not cooperate, MassHealth benefits may be terminated.

(B) Responsibility to Report Changes. The applicant or member must report to the MassHealth agency, within ten days or as soon as possible, changes that may affect eligibility. Such changes include, but are not limited to, income, the availability of health insurance, and third-party liability.

Here, MassHealth required additional information, a job update form, and despite requests for the job update form, ultimately did not receive the information required for the determination. (Testimony, 130 CMR 502.007(C)(3)) A Notice of termination was sent to the Appellant in accordance with the Regulations. (Exhibit 1, 130 CMR 501.010, 502.007(C)(3)).

The Appellant chose to appeal, and at the hearing on September 19, 2024, additional time was granted to provide MassHealth the job update form. (Exhibit 6) Upon expiration of the Record Open period, for both the Appellant and MassHealth, no documentation had been received. (Exhibit 7) On November 13, 2024, a facsimile was received at the EDMC with various documents enclosed. No job update form was included within the submission. No request to reopen the Administrative Record was submitted. No explanation regarding the untimeliness of the submission was offered, not only after the close of the Administrative Record for the Appellant, but after the close of the entirety of the Administrative Record Open period. Accordingly, the submission is beyond the allowable timing for submission and inclusion within this appeal and is not incorporated within this Administrative Record

Here, the Appellant has not cooperated with MassHealth to provide the necessary corroborative information for MassHealth to determine eligibility for MassHealth benefits, despite multiple opportunities to do so. The Appellant has not met the burden to show that MassHealth's termination Notice is invalid. Accordingly, this appeal is DENIED.

Order for MassHealth

End Aid Pending.

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