

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2412794
Decision Date:	11/8/2024	Hearing Date:	09/12/2024
Hearing Officer:	Thomas Doyle	Record Open to:	

Appearance for Appellant:




Appearance for MassHealth:
Robert Hines, Springfield MEC

Interpreter:



*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:	Approved	Issue:	Eligibility; Over Income; Excess Assets; Over 65
Decision Date:	11/8/2024	Hearing Date:	09/12/2024
MassHealth's Rep.:	Robert Hines	Appellant's Rep.:	
Hearing Location:	Remote (phone)	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 12, 2024, MassHealth notified appellant "your coverage will change to Senior Buy In because your income and/or assets are too high to get MassHealth Standard." (Ex. 1). The appellant filed this appeal in a timely manner on August 17, 2024. (Ex. 2). Denial of assistance is valid grounds for appeal. (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth notified the appellant that his coverage type would change to Senior Buy In because he was over income and/or assets for MassHealth Standard.

Issue

Is appellant over income or over assets for MassHealth Standard?

Summary of Evidence

Appellant, acting pro se, appeared at hearing via telephone. The MassHealth worker (worker) and a Russian interpreter also appeared by telephone. The hearing commenced, all parties were sworn and exhibits 1-6 were marked. The worker testified appellant was “pending Standard coverage” and MassHealth was seeking a bank statement. He stated he spoke to appellant a week before the hearing and appellant agreed to provide the missing bank statement. The worker stated he checked before the hearing and no bank statement had been provided. The worker could not provide the name of the bank or account number MassHealth was seeking. He stated he was remote and could not access the system to let me know the name of the bank or account number.¹ The worker stated the name of the bank and account number were on a verification checklist, or “VC-1” form, that MassHealth sent to the appellant. I informed the worker the VC-1 was not in evidence and I had no information about alleged missing bank statements. I pointed out to the worker the MassHealth notice marked as exhibit 1 informed appellant he was over income and/or assets and I had no information on missing bank statements. At this point, the worker testified appellant was “not over income or over assets.” (Testimony). I asked the worker why MassHealth sent appellant a notice he was over income and over assets and he stated “appellant income is definitely under and his assets are under.” (Testimony).

Appellant stated he only has one bank account and any second account was closed two years ago. He stated he did not know the account number of the one open bank account.

Findings of Fact

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

1. Appellant is a MassHealth member in his [REDACTED]. (Ex. 6).
2. Appellant received notice from MassHealth in August 2024 that his “coverage will change to Senior Buy In because your income and/or assets are too high to get MassHealth Standard.” (Ex. 1).
3. Appellant filed a timely appeal to the MassHealth notice dated August 12, 2024. (Ex. 2).
4. Appellant is “not over income or over assets.” (Worker Testimony).

Analysis and Conclusions of Law

519.005: Community Residents 65 Years of Age or Older

¹ The worker stated he had prepared an “appeal prep”. The appeal prep did not include any bank name or account numbers.

(A) Eligibility Requirements. Except as provided in 130 CMR 519.005(C), noninstitutionalized individuals 65 years of age and older may establish eligibility for MassHealth Standard coverage provided they meet the following requirements:

- (1) the countable income amount, as defined in 130 CMR 520.009: Countable-income Amount, of the individual or couple is less than or equal to 100% of the federal poverty level; and
- (2) the countable assets of an individual are \$2,000 or less, and those of a married couple living together are \$3,000 or less.

The notice sent to appellant stated, “your coverage will change to Senior Buy In because your income and/or assets are too high to get MassHealth Standard.” The worker testified appellant is “not over assets or income.” Because MassHealth, in sworn testimony from its hearing representative, recognizes appellant is not over income or assets, the appeal is approved.

Order for MassHealth

Approve appellant for MassHealth Standard coverage. End aid pending.

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.

Thomas Doyle
Hearing Officer
Board of Hearings

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104, 413-785-4186