

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2413964
<b>Decision Date:</b>	11/22/2024	<b>Hearing Date:</b>	10/16/2024
<b>Hearing Officer:</b>	Emily Sabo		

**Appearance for Appellant:**  
Pro se

**Appearance for MassHealth:**  
Sahen Duran, Quincy 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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Community Eligibility—under 65; Income
<b>Decision Date:</b>	11/22/2024	<b>Hearing Date:</b>	10/16/2024
<b>MassHealth's Rep.:</b>	Sahen Duran	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Quincy Harbor South (Telephone)	<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 September 9, 2024, MassHealth notified that Appellant that she was not eligible for MassHealth benefits because MassHealth determined that the Appellant's household income is too high. 130 CMR 505.008(A)(2)(c) and Exhibit 1. The Appellant filed this appeal in a timely manner on September 9, 2024. 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 denied the Appellant's request for MassHealth benefits on the grounds that her income is too high.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 505.008(A)(2)(c), in denying the Appellant MassHealth coverage based on her income.

### Summary of Evidence

The hearing was held telephonically. The MassHealth representative testified that the Appellant is an adult between the ages of 21-64 and has a household size of one. The MassHealth representative testified that the Appellant's income is \$472.50 weekly, which is equal to 154.15% of the 2024 federal poverty level. The MassHealth representative testified that the Appellant is not financially eligible for MassHealth CarePlus because her income is more than 133% of the federal poverty level. The MassHealth representative testified that the Appellant is eligible for a Connector Care plan.

The Appellant verified her identity. The Appellant stated that if someone is working, making the Massachusetts minimum wage and working at least 30 hours a week, their income would be above 133% of the federal poverty level, and then no longer eligible for MassHealth CarePlus. The Appellant testified that her monthly rent is \$1,600/month, so all her income goes to her housing costs. The Appellant testified that she had an accident two years ago when she did not have insurance, where she visited the emergency room. The Appellant also testified that she had experienced homelessness in the past.

## **Findings of Fact**

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

1. The Appellant is an adult between the ages of 21-64 and has a household size of one. Testimony, Exhibit 4.
2. The Appellant has a weekly income of \$472.50. Testimony.
3. On September 9, 2024, MassHealth notified the Appellant that she was not eligible for MassHealth due to her income. Exhibit 1.
4. On September 9, 2024, the Appellant timely appealed the notice to the Board of Hearings. Exhibit 2.

## **Analysis and Conclusions of Law**

As described in its regulations, MassHealth provides individuals with access to health care by determining the coverage type that provides the applicant with the most comprehensive benefit for which they are eligible. 130 CMR 501.003(A). The MassHealth coverage types are listed as follows:

- (1) Standard for pregnant women, children, parents and caretaker relatives, young adults,<sup>1</sup> disabled individuals, certain persons who are HIV positive, individuals with breast or cervical cancer, independent foster care adolescents, Department of Mental Health members, and medically frail as such term is defined in 130 CMR 505.008(F);
- (2) CommonHealth for disabled adults, disabled young adults, and disabled children who are not eligible for MassHealth Standard;
- (3) CarePlus for adults 21 through 64 years of age who are not eligible for MassHealth Standard;
- (4) Family Assistance for children, young adults, certain noncitizens and persons who are HIV positive who are not eligible for MassHealth Standard, CommonHealth, or CarePlus;
- (5) Small Business Employee Premium Assistance for adults or young adults ....
- (6) Limited for certain lawfully present immigrants as described in 130 CMR 504.003(A), nonqualified PRUCOLs and other noncitizens as described in 130 CMR 504.003: Immigrants; and
- (7) Senior Buy-in and Buy-in for certain Medicare beneficiaries.

130 CMR 505.001(A).

To establish eligibility for MassHealth, applicants must meet both the categorical and financial requirements. To calculate financial eligibility, MassHealth regulations at 130 CMR 506.007 provide that:

(A) Financial eligibility for coverage types that are determined using the MassHealth MAGI household rules and the MassHealth Disabled Adult household rules is determined by comparing the sum of all countable income less deductions for the individual's household as described at 130 CMR 506.002 with the applicable income standard for the specific coverage type.

(1) The MassHealth agency will construct a household as described in 130 CMR 506.002 for each individual who is applying for or renewing coverage. Different households may exist within a single family, depending on the family members' familial and tax relationships to each other.

(2) Once the individual's household is established, financial eligibility is determined by using the total of all countable monthly income for each person in that individual's MassHealth MAGI or Disabled Adult household. Income of all

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<sup>1</sup> "Young adults" is defined at 130 CMR 501.001 as those aged 19 and 20.

the household members forms the basis for establishing an individual's eligibility.

(a) A household's countable income is the sum of the MAGI-based income of every individual included in the individual's household with the exception of children and tax dependents who are not expected to be required to file a return as described in 42 CFR 435.603 and 130 CMR 506.004(M).

(b) Countable income includes earned income described in 130 CMR 506.003(A) and unearned income described in 130 CMR 506.003(B) less deductions described in 130 CMR 506.003(D).

(c) In determining monthly income, the MassHealth agency multiplies average weekly income by 4.333.

(3) Five percentage points of the current federal poverty level (FPL) is subtracted from the applicable household total countable income to determine eligibility of the individual under the coverage type with the highest income standard.

(B) The financial eligibility standards for each coverage type may be found in 130 CMR 505.000: *Health Care Reform: MassHealth: Coverage Types*.

(C) The monthly federal-poverty-level income standards are determined according to annual standards published in the *Federal Register* using the following formula. The MassHealth agency adjusts these standards annually.

(1) Multiply the annual 100% figure posted in the *Federal Register* by the applicable federal poverty level income standard.

(2) Round these annual figures up to the nearest hundredth.

(3) Divide by 12 to arrive at the monthly income standards.

130 CMR 506.007.

To be eligible for MassHealth CarePlus, an individual's modified adjusted gross income must be less than or equal to 133% of the federal poverty level. 130 CMR 505.008(A)(2)(c). In 2024, 133% of the federal poverty level for a household of one is \$1,670/month. The Appellant's income is \$2,047.34/month (\$472.50 x 4.333). 130 CMR 506.007(A)(2)(c). Because the Appellant's income exceeds 133% of the federal poverty level, the Appellant does not meet the financial requirements to qualify for MassHealth CarePlus. 130 CMR 505.008(A)(2)(c). Therefore, MassHealth did not err in issuing the September 9, 2024, notice, and the appeal is denied.<sup>2</sup>

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<sup>2</sup> I credit the Appellant's testimony about her housing costs and the challenges she is facing and I am sorry for her situation. A number of appellants have raised the cost of accessing housing and how it leaves them unable to afford health insurance. In accordance with the fair hearing regulations, my decision is based on the applicable law or regulation as interpreted by the MassHealth agency. As the hearing officer, I cannot rule on the legality of such law or regulation, and it must be subject to judicial review in accordance with 130 CMR 610.092. 130 CMR 610.082(C)(2).

## **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.

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Emily Sabo  
Hearing Officer  
Board of Hearings

MassHealth Representative: Quincy MEC, Attn: Tosin Adebiyi, Appeals Coordinator, 100 Hancock Street, Quincy, MA 02171