

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2414451
Decision Date:	1/13/2025	Hearing Date:	10/25/2024
Hearing Officer:	Emily Sabo	Record Open to:	11/22/2024

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Eric Mattos, Springfield 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:	Approved	Issue:	Community Eligibility—under 65
Decision Date:	1/13/2025	Hearing Date:	10/25/2024
MassHealth's Rep.:	Eric Mattos	Appellant's Rep.:	Pro se
Hearing Location:	Springfield MassHealth Enrollment Center (Telephone)	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 September 6, 2024, MassHealth notified the Appellant that it was terminating her MassHealth benefits because MassHealth had learned that the head of household was no longer part of the household. 130 CMR 506.002(B) and Exhibit 1. The Appellant filed this appeal in a timely manner on September 19, 2024, stating that her spouse was the head of household and he had passed away in [REDACTED] 2024. 130 CMR 610.015(B) and Exhibit 2. Denial of assistance is valid grounds for appeal. 130 CMR 610.032.

Action Taken by MassHealth

MassHealth terminated the Appellant's MassHealth benefits, effective October 31, 2024.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 506.002(B), in terminating the Appellant's benefits.

Summary of Evidence

The hearing was held by telephone. The MassHealth representative testified that MassHealth had a duplicate application from 2018 and two accounts on file, one which listed the Appellant as the head of household, and the other which listed the Appellant's spouse as the head of household. The MassHealth representative explained that the Appellant would need to contact MassHealth either by phone or through the MassHealth website to complete an application. The Appellant's Medicaid Management Information System (MMIS) record indicates that she has been eligible for MassHealth Standard since May 2017.

The Appellant verified her identity. The Appellant testified that her spouse had passed away in [REDACTED] 2024 and that her household consists of herself and her three children.

The record was held open until November 8, 2024, for the Appellant to complete the application and until November 22, 2024 for MassHealth to review and respond. On October 30, 2024, the Appellant notified the parties that she had completed her MassHealth application over the phone on October 29, 2024. Exhibit 5.

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 been eligible for MassHealth Standard since May 2017. Exhibit 4.
2. The Appellant's spouse passed away in [REDACTED] 2024, and the Appellant has three children. Testimony.
3. On September 6, 2024, MassHealth notified the Appellant that it was terminating her MassHealth benefits effective October 31, 2024. Exhibit 1.
4. On September 19, 2024, the Appellant timely appealed the notice to the Board of Hearings. Exhibit 2.
5. The Appellant completed a MassHealth application over the phone on October 29, 2024. Exhibit 5.

Analysis and Conclusions of Law

MassHealth regulations provide:

506.002: Household Composition

(A) Determination of Household Composition. MassHealth determines household size at the individual member level. MassHealth determines household composition in two ways.

(1) MassHealth Modified Adjusted Gross Income (MAGI) Household Composition. MassHealth uses the MassHealth MAGI household composition rules to determine member eligibility for the following benefits:

- (a) MassHealth Standard, as described in 130 CMR 505.002(B), (C), (D), (F), and (G);
- (b) MassHealth CommonHealth, as described in 130 CMR 505.004(F) and (G);
- (c) MassHealth CarePlus, as described in 130 CMR 505.008: MassHealth CarePlus;
- (d) MassHealth Family Assistance, as described in 130 CMR 505.005(B) through (E);
- (e) MassHealth Limited, as described at 130 CMR 505.006: MassHealth Limited; and
- (f) Children's Medical Security Plan (CMSP), as described in 130 CMR 522.004: Children's Medical Security Plan (CMSP).

(2) MassHealth Disabled Adult Household. MassHealth uses the MassHealth Disabled Adult household composition rules to determine member eligibility for the following benefits:

- (a) MassHealth Standard, as described in 130 CMR 505.002(E): Disabled Adults;
- (b) MassHealth CommonHealth, as described in 130 CMR 505.004(B) through (E); and
- (c) MassHealth Family Assistance, as described in 130 CMR 505.005(F): Eligibility Requirement for Disabled Adults Who Are Qualified Noncitizens Barred, Nonqualified Individuals Lawfully Present, and Nonqualified PRUCOLs with Modified Adjusted Gross Income of the MassHealth Disabled Adult Household at or below 100% of the Federal Poverty Level.

(B) MassHealth MAGI Household Composition.

(1) Taxpayers Not Claimed as a Tax Dependent on Their Federal Income Taxes. For an individual who expects to file a tax return for the taxable year in which the initial determination or renewal of eligibility is being made and who is not claimed as a tax dependent by another taxpayer, the household consists of

- (a) the taxpayer, including their spouse, if the taxpayers are married and filing jointly regardless of whether they are living together;
- (b) the taxpayer's spouse, if living with them regardless of filing status;
- (c) all persons the taxpayer expects to claim as tax dependents; and
- (d) if any individual described in 130 CMR 506.002(B)(1)(a) through (c) is pregnant, the number of expected children.

(2) Individuals Claimed as a Tax Dependent on Federal Income Taxes.

- (a) For an individual who expects to be claimed as a tax dependent by another taxpayer

for the taxable year in which the initial determination or renewal of eligibility is being made and who does not otherwise meet the Medicaid exception rules as described in 130 CMR 506.002(B)(2)(b)1., 2., or 3., the household consists of

1. the individual;
2. the individual's spouse, if living with them;
3. the taxpayer claiming the individual as a tax dependent;
4. any of the taxpayer's tax dependents; and
5. if any individual described in 130 CMR 506.002(B)(2)(a)1. through 4. is pregnant, the number of expected children.

(b) Medicaid Exceptions. Household size must be determined in accordance with non-tax filer rules for any of the following individuals:

1. individuals other than the spouse or natural, adopted, or stepchild who expect to be claimed as a tax dependent by the taxpayer;
2. individuals younger than 19 years old who expect to be claimed by one parent as a tax dependent and are living with both natural, adopted or stepparents, but whose natural, adopted, or stepparents do not expect to file a joint tax return;
3. individuals younger than 19 years old who expect to be claimed as a tax dependent by a noncustodial parent. For the purpose of determining custody, MassHealth uses a court order or binding separation, divorce, or custody agreement establishing physical custody controls or, if there is no such order or agreement or in the event of a shared custody agreement, the custodial parent is the parent with whom the child spends most nights.

(3) Individuals Who Do Not File a Federal Tax Return and Are Not Claimed as a Tax Dependent on a Federal Tax Return. For an individual who does not expect to file a federal tax return and who does not expect to be claimed as a tax dependent on a federal tax return or when any of the exceptions described at 130 CMR 506.002(B)(2)(b)1., 2., or 3. apply, the household consists of

- (a) the individual;
- (b) the individual's spouse if living with them;
- (c) the individual's natural, adopted, and stepchildren younger than 19 years old if living with them;
- (d) for individuals younger than 19 years old, the individual's natural, adoptive, or stepparents and natural, adoptive, or stepsiblings younger than 19 years old if living with them; and
- (e) if any individual described in 130 CMR 506.002(B)(3)(a) through (d) is pregnant, the number of expected children.

(C) MassHealth Disabled Adult Household. The household consists of

- (1) the individual;
- (2) the individual's spouse if living with them;
- (3) the individual's natural, adopted, and stepchildren younger than 19 years old if living with them; and

(4) if any individual described in 130 CMR 506.002(C)(1), (2), or (3) is pregnant, the number of expected children.

130 CMR 506.002.

As described above, the Appellant's household composition has changed with the passing of her spouse. On October 29, 2024, the Appellant completed an updated application with MassHealth over the phone. Exhibit 5. Therefore, the Appellant's appeal is approved. MassHealth is directed to process the Appellant's MassHealth application and notify her of her eligibility determination.

Order for MassHealth

Process the Appellant's MassHealth application and notify her of her eligibility determination. 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.

Emily Sabo
Hearing Officer
Board of Hearings

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104