

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2415105
Decision Date:	1/6/2025	Hearing Date:	10/28/2024
Hearing Officer:	Thomas Doyle	Record Open to:	11/8/24

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Shannell Santiago, Tewksbury 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:	Denied	Issue:	Community Eligibility; 65 or Over; Income
Decision Date:	1/6/2025	Hearing Date:	10/28/2024
MassHealth's Rep.:	Shannell Santiago	Appellant's Rep.:	Pro se
Hearing Location:	Remote (phone)	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 September 13, 2024, MassHealth notified appellant that she does not qualify for MassHealth benefits because MassHealth sent her a letter requesting additional information and she did not respond within the time allowed. (Ex. 1). Appellant appealed in a timely manner on September 25, 2024. (Ex. 2). Denial of assistance is valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth terminated appellant's MassHealth benefits because she did not submit the information it needed to decide her eligibility within the required time frame.

Issue

The issue is whether MassHealth was correct in terminating appellant's MassHealth benefits.

Summary of Evidence

The MassHealth worker (worker) and appellant appeared at hearing via phone and were sworn. The worker stated MassHealth sent appellant a job update form on August 8, 2024 which needed to be completed and returned by appellant by September 7, 2024. The worker stated the form needed to be returned with proof of income by the due date. The worker stated MassHealth did not receive a response and appellant's Standard coverage terminated on September 27, 2024. The worker testified that a phone application was done on October 1, 2024 but it was pending because MassHealth needed proof of income. The worker testified sufficient proof of income would be 2 most recent pay stubs from each job held by appellant. The worker stated appellant could bring the proof of income into a MEC, upload it online, fax or mail the proof of income. (Testimony).

Appellant, who is in her [REDACTED] had no questions for the worker and then stated she was "all set" and she had been reinstated by the Health Connector after she "resubmitted everything." The worker stated she did not see any notice appellant had been reinstated, even with the Health Connector. Appellant stated she did not receive the August 8, 2024 job update form that MassHealth sent to her. She confirmed she was at the same address. Appellant stated she would prefer to have MassHealth. I asked appellant if she could provide the pay stubs from each job as requested by the worker and she said, "that's fine." She stated she would upload the stubs online. (Testimony).

At the close of the hearing, I left the record open until November 8, 2024 for appellant to provide 2 most recent pay stubs from each job she held. (Ex. 5).

On November 22, 2024, I emailed the worker to ask if she had received proof of income in the form of pay stubs from appellant. She replied on the same day that MassHealth had not. (Ex. 6).

Findings of Fact

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

1. MassHealth sent appellant, who is in her [REDACTED] a job update form on August 8, 2024 which needed to be completed and returned with proof of income by September 7, 2024. (Testimony)
2. On September 13, 2024, appellant was sent notice that her benefits would be terminated because she did not provide the additional information requested by MassHealth within the allowed time. (Ex. 1).

3. MassHealth did not receive a response to the request for information and appellant's Standard coverage terminated on September 27, 2024. (Testimony).
4. At the hearing, the record was held open for appellant to submit proof of income in the form of 2 most recent pay stubs from each job held by appellant. (Ex. 6).
5. Despite an opportunity post hearing to submit proof of income in the form of 2 most recent pay stubs from each job held by appellant, MassHealth did not receive any proof of income. (Ex. 7).

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 (2007). Moreover, "[p]roof by a preponderance of the evidence is the standard generally applicable to administrative proceedings." Craven v. State Ethics Comm'n, 390 Mass. 191, 200 (1983).

130 CMR 515.008: 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 other health insurance.

In this case, despite being given additional time following the appeal hearing to submit proof of income in the form of 2 most recent pay stubs for each job held by her, appellant did not submit any proof of income to MassHealth or me in a timely manner. Further, the appellant did not request additional time to submit the missing documentation. Therefore, I find the action taken by MassHealth is within the regulations. (130 CMR 515.008).

Accordingly, this appeal is 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.

Thomas Doyle
Hearing Officer
Board of Hearings

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290