

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2415261
Decision Date:	12/30/2024	Hearing Date:	10/31/2024
Hearing Officer:	Kenneth Brodzinski		

Appearance for Appellant:

Pro se

Appearance for MassHealth:

David Kang



*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:	Financial Eligibility – Over 65 Community
Decision Date:	12/30/2024	Hearing Date:	10/31/2024
MassHealth’s Rep.:	David Kang	Appellant’s Rep.:	Pro se
Hearing Location:	Springfield MEC		

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 1, 2024, MassHealth informed Appellant that her MassHealth Standard benefits would terminate on November 30, 2024 upon determining that her gross countable household income exceeds the eligibility limit for MassHealth Standard ([Exhibit A](#)). Appellant filed for an appeal with the Board of Hearings in a timely manner on October 3, 2024 ([See](#) 130 CMR 610.015(B) and [Exhibit A](#)). Eligibility determinations constitute adequate grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth informed Appellant that her MassHealth Standard benefits would terminate on November 30, 2024 upon determining that her gross countable household income exceeds the eligibility limit for MassHealth Standard.

Issue

The appeal issue is whether MassHealth properly applied the controlling regulation(s) to accurate facts when it determined that Appellant's gross countable household income exceeds the eligibility limit for MassHealth Standard and her Standard benefits must therefore terminate.

Summary of Evidence

Both parties appeared by telephone.

The MassHealth representative testified that Appellant was recently downgraded from MassHealth Standard to CommonHealth. Appellant's CommonHealth started on June 11, 2024 when she submitted a letter verifying that she is working at least 40 hours per month.

MassHealth has Appellant's gross countable monthly income verified at \$3,313.00 from Social Security plus another \$43.00 per month from earned income. The MassHealth representative testified that Appellant is a disabled adult who is over the age of 65 and residing in the community in a household of one. The MassHealth representative explained that Appellant previously had Standard, but her husband recently passed which increased her Social Security benefit and decreased her household size from two to one. These changes placed Appellant's income above the eligibility limit for Standard for a household of one.

Appellant discussed the various deductions made from her pay such as her Medicare premium. She also testified that with the change to CommonHealth she is no longer able to see her eye doctor for the treatment of glaucoma and hearing aids are no longer covered. Appellant also testified that transportation to see her heart doctor is not covered under CommonHealth. Appellant testified that she has anxiety and has been very stressed by these changes. She testified that she can't afford all the out-of-pocket expenses she is now responsible to pay. Appellant explained that she used to be on a SCO when she had Standard and wants to go back on to the SCO.

Findings of Fact

By a preponderance of the evidence, the record supports the following findings:

1. Appellant is a disabled adult who is over the age of 65 and residing in the community in a household of one.
2. MassHealth recently downgraded Appellant from MassHealth Standard to CommonHealth.

3. Appellant's CommonHealth started on June 11, 2024 when she submitted a letter verifying that she is working at least 40 hours per month.
4. MassHealth has Appellant's gross countable monthly income verified at \$3,313.00 from Social Security plus another \$43.00 per month from earned income.
5. Appellant previously had Standard, but her husband recently passed which increased her Social Security benefit and decreased her household size from two to one.

Analysis and Conclusions of Law

The party appealing an administrative decision bears the burden of demonstrating the decision's invalidity (*Merisme v. Board of Appeals of Motor Vehicle Liability Policies and Bonds*, 27 Mass. App. Ct. 470, 474 (1989)). On this record, Appellant has not met her burden.

For disabled persons aged 65 and older residing in the community, such as Appellant, CommonHealth is available to those who are "working disabled" (130 CMR 520.012). This means that the person does some form of work (anything for any amount of pay, not volunteer work) for a minimum of 40 hours per month (not per week). As of the hearing, Appellant had asserted and verified "working disabled" status and was deemed eligible for MassHealth CommonHealth.

Eligibility for MassHealth Standard for community-based individuals over the age of 65 is based solely on an applicant's gross countable household income. Regulations do not allow for any consideration of an applicant's or a member's expenses or individual circumstances other than the gross household income and household size. Appellant is a community-based individual whose income exceeds the income standard of 100% of the federal poverty level for a household unit of one (\$1,255.00 at the time of the determination and this decision). Accordingly, MassHealth was correct in determining that Appellant is not income eligible for the MassHealth Standard program at this time (see 130 CMR 519.002).

Insofar as Appellant did not dispute her gross countable monthly income or household size, there is no basis in fact or law to disturb MassHealth's determination. For the foregoing reasons, the 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.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

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