

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2418866
Decision Date:	1/27/2025	Hearing Date:	01/09/2025
Hearing Officer:	Amy B. Kullar, Esq.		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Carmen Rivera, Quincy MassHealth Enrollment
Center



*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:	Eligibility for minor children; MAGI
Decision Date:	1/27/2025	Hearing Date:	01/09/2025
MassHealth's Rep.:	Carmen Rivera	Appellant's Rep.:	Pro se
Hearing Location:	Quincy Harbor South 6 (Telephone)	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 November 10, 2024, MassHealth informed the appellant that her minor children's MassHealth benefits were being terminated on November 24, 2024, because the minor children "no longer qualify for coverage under MassHealth's continuous coverage rules." *See* 130 CMR 505.000 and Exhibit 1. The Appellant filed this appeal in a timely manner on December 10, 2024. *See* 130 CMR 610.015(B) and Exhibit 2. Termination of assistance is valid grounds for appeal. *See* 130 CMR 610.032.

Action Taken by MassHealth

MassHealth informed the appellant that her minor children's MassHealth benefits were being terminated.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 505.000, in determining that it was appropriate to end the minor children's MassHealth coverage.

Summary of Evidence

The hearing was held telephonically. MassHealth was represented by an eligibility specialist from the Quincy MassHealth Enrollment Center. The appellant resides in a household of four (4), consisting of two married adults and their two minor children¹. The household's income is 232.50% of the federal poverty level or approximately \$70,400.00 per year.

The MassHealth eligibility specialist testified to the following background: on October 8, 2023, the appellant reported a change to their MassHealth account, and the two minor children were entered into the continuous eligibility period from October 8, 2023 through October 31, 2024.² The MassHealth representative noted that the update that was reported on October 8, 2023 was the first update to the household account since the end of the Public Health Emergency. Both minor children were approved for MassHealth Standard as of October 8, 2023. On March 9, 2024, after a computer system match was performed, the head of the household, the appellant's spouse, was sent a letter from MassHealth that instructed him to enroll the minor children in his spouse's employer-sponsored health insurance or else the children's coverage may not be renewed.³ On May 13, 2024, the premium assistance clock expired on the March 9, 2024 notice, and the minor children's MassHealth benefits were terminated for not enrolling them in the household's employer-sponsored insurance. On July 11, 2024, the MassHealth system auto-renewed the minor children's MassHealth Standard benefits. The appellant's minor children were covered under those benefits until November 24, 2024 pursuant to the notice on appeal, which was sent to the household because MassHealth determined that the household no longer meets the rules under the regulations for continuous coverage.⁴

The appellant testified telephonically and verified her identity and her minor children's identities. The appellant did not dispute that she lives in a household of four, nor did she dispute MassHealth's calculation of the household's income. The appellant testified that since January of 2024, she has been actively undergoing a divorce from her husband – the head of household on the family's MassHealth account. Although they are currently "separated," they are still residing in the same house, but their relationship is estranged. When questioned by the hearing officer, the appellant stated that she did not have a formal agreement as to the separation and that she and

¹ The MassHealth eligibility specialist testified that the notices the appellant is appealing are addressed to the head of the household, but that the appellant is authorized on the household account and is properly at the hearing on the notices.

² Pursuant to MassHealth Eligibility Operations Memo 24-02, "Continuous Eligibility for Certain MassHealth Members" (March, 2024): "As of January 1, 2024, MassHealth has provided 12 months of continuous eligibility for children younger than the age of 19 enrolled in Medicaid and CHIP programs. Even if a child or household experienced a change in circumstances that would otherwise make the child ineligible for benefits, their 12-month continuous eligibility period will not be affected, except as outlined in this EOM."

³ The appellant testified that she called on October 29, 2024, she called MassHealth customer service to check on the status of the termination of the minor children's MassHealth benefits; she was told that there was no termination scheduled yet.

⁴ The notice on appeal is the only notice that was appealed on behalf of the household in 2024.

her estranged spouse did not have a legal arrangement as to which spouse would be claiming the children on their tax return. She stated they would be filing jointly for the current tax year. The appellant testified that her spouse is not currently working and has no income. The appellant stated that the notices that the MassHealth representative testified to were addressed to her estranged spouse, and she was not aware of them until around April of 2024. The appellant testified that her insurance is the qualifying employer-sponsored insurance; her husband's employer did not offer insurance at that time, and she should have been the one to receive the notices. The MassHealth representative responded that the husband is the head of household, and he would have to take action to remove himself from the household account or remove other members of the household from the household account. The appellant testified that she would not be able to afford all her household living expenses and the cost of her employer-sponsored insurance, and that her household needs their MassHealth benefits.

Findings of Fact

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

1. The appellant is an adult under the age of 65 who resides in a household of four comprised of two married adults and their two minor children. Testimony.
2. On November 10, 2024, MassHealth informed the appellant that her minor children's MassHealth benefits were being terminated because the children no longer qualified under MassHealth's continuous coverage rules. Exhibit 1.
3. The appellant filed a timely appeal on December 10, 2024. Exhibit 2.
4. The appellant's two minor children were entered into the continuous eligibility period from October 8, 2023 through October 31, 2024, pursuant to EOM 24-02, and were enrolled in MassHealth Standard.
5. The household's income is currently 232.50% of the 2024 federal poverty level. Testimony.
6. A monthly income at 150% of the federal poverty level equates to \$46,800.00 for a family of four. Testimony, 2024 MassHealth Income Standards and Federal Poverty Level Guidelines.

Analysis and Conclusions of Law

To qualify for MassHealth benefits, applicants are required to meet certain categorical and financial criteria. The MassHealth regulations at 130 CMR 505.002(C) provide that children are

eligible for MassHealth Standard if:

(B) Eligibility Requirements for Children and Young Adults. Children and young adults may establish eligibility for MassHealth Standard coverage subject to the requirements described in 130 CMR 505.002(B).

...

(2) Children One through 18 Years Old.

(a) A child one through 18 years old is eligible if

1. the modified adjusted gross income of the MassHealth MAGI household is less than or equal to 150% of the federal poverty level; and
2. the child is a citizen as described in 130 CMR 504.002: U.S. Citizens or a lawfully present immigrant as described in 130 CMR 504.003(A): Lawfully Present Immigrants.

(b) Eligibility for a child who is pregnant is determined under 130 CMR 505.002(D).

130 CMR 505.002(B)(2).

Minor children between the ages of one through eighteen years old are financially eligible for MassHealth Standard if “the modified adjusted gross income of the MassHealth MAGI household is less than or equal to 150% of the federal poverty level.” 130 CMR 505.002(B)(2)(a)(1). In this case, the appellant did not dispute the calculation of the household’s federal poverty level of 232.50% for their household of four. The household federal poverty level exceeds the amount allowed by regulation for the minor children in the household to receive MassHealth benefits.

Based upon the evidence in the record, MassHealth did not err when it determined that the appellant’s household no longer meets the rules under the regulations for continuous coverage, and MassHealth did not err when it sent the November 10, 2024 notices to the appellant’s minor children informing that their coverage would end on November 24, 2024.

For the foregoing reasons, 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.

Amy B. Kullar, Esq.
Hearing Officer
Board of Hearings

MassHealth Representative: Quincy MEC, Attn: Appeals Coordinator, 100 Hancock Street, 6th Floor, Quincy, MA 02171