

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2418884
Decision Date:	2/11/2025	Hearing Date:	12/31/2024
Hearing Officer:	Scott Bernard	Record Open to:	01/24/2025

Appearance for Appellant:
Pro se via telephone

Appearance for MassHealth:
Sherri Paiva (Taunton MEC) *via telephone*



*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-Under 65-Verification-Immigration Status
Decision Date:	2/11/2025	Hearing Date:	12/31/2024
MassHealth's Rep.:	Sherri Paiva	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Taunton MassHealth Enrollment Center	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 18, 2024, MassHealth informed the appellant that he was not eligible for MassHealth benefits because the appellant had not provided requested verifications within the time allowed. (See 130 CMR 502.003(D) and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on December 11, 2024. (See 130 CMR 610.015(B) and Ex. 2). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032).

At the appellant's request, the record was left open until January 24, 2025 to give him an opportunity to submit evidence of his immigration status to MassHealth after which the record closed. (See Ex. 5).

Action Taken by MassHealth

MassHealth denied the appellant for not providing proof of his U.S. Citizenship status with the time allowed.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 502.003, in determining that the appellant had not provided the requested verifications within the time allowed or thereafter.

Summary of Evidence

MassHealth was represented by a benefits eligibility representative from the Taunton MassHealth Enrollment Center (MEC) and the appellant represented himself. Both parties attended the hearing by telephone.

The MassHealth representative testified first and stated the following. The appellant is under the age of 65 years old and lives in a household of one. (Testimony; Ex. 3). The appellant does not have any reported income. (Testimony). On July 1, 2024, MassHealth sent the appellant a request that he submit proof of his U.S. Citizenship status no later than October 7, 2024. (Testimony; Ex. 1; Ex. 6). Because the appellant did not submit any acceptable information by that date or thereafter, MassHealth notified the appellant on November 18, 2024 that it was denying his request for continued MassHealth coverage. (Testimony; Ex. 1). The appellant's CarePlus, which he had been receiving since March 31, 2024, ended on November 21, 2024. (Testimony; Ex. 3).

The MassHealth representative stated that the appellant initially reported that he was a naturalized citizen, but did not submit the required naturalization certificate. (Testimony). On December 26, 2024, the appellant updated his status to "qualified lawfully present" (QLP), a status that also required the appellant to submit documentation. (Testimony). The MassHealth representative stated that if MassHealth did not have paperwork verifying the appellant's immigration or citizenship status, such as a legal permanent resident card, MassHealth could not make a determination. (Testimony).

The appellant stated the following in response. The appellant initially believed he was a U.S. citizen. (Testimony). He immigrated to the United States at a young age and assumed he had been naturalized. However, when he submitted what he believed to be the correct documentation, it was not accepted. (Testimony). Despite contacting MassHealth multiple times prior to the hearing, the appellant received conflicting information about the required paperwork. (Testimony). Additionally, he was unaware of the location of his immigration documentation and needed to consult with his mother, who may have it. If not, he would need to reach out to USCIS to obtain the necessary records. (Testimony). The appellant testified to having urgent medical needs, including being a transplant patient, and expressed that he has been unable to receive his medications due to his current lack of MassHealth coverage. (Testimony).

The MassHealth representative advised the appellant to obtain the required documentation to verify his immigration status, emphasizing the need for a permanent resident card or a

naturalization certificate. (Testimony). She clarified that the documentation the appellant had submitted to MassHealth thus far, which consisted of receipts and partial photographs of documents, would not suffice. (Testimony). The MassHealth representative also recommended contacting a MassHealth Enrollment Center directly or visiting one in person. (Testimony). She confirmed that once MassHealth received the correct documentation, it would process the appellant's eligibility determination quickly. (Testimony). The MassHealth representative also informed the appellant that the closest MEC to the appellant's home was located in [REDACTED] and gave the appellant the address for this MEC. (Testimony).

The record was left open until January 24, 2025 in order to give the appellant the opportunity to submit the required documentation. On that date, the MassHealth representative emailed the hearing officer stating that she had just checked MassHealth's computer system and the appellant had not submitted his immigration verifications and that MassHealth was still requesting proof of his immigration status. (Ex. 5).

Findings of Fact

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

1. The appellant is under the age of 65 years old and lives in a household of one. (Testimony; Ex. 3).
2. The appellant does not have any reported income. (Testimony).
3. On July 1, 2024, MassHealth sent the appellant a request that he submit proof of his U.S. Citizenship status no later than October 7, 2024. (Testimony; Ex. 1; Ex. 6).
4. Because the appellant did not submit any acceptable information by that date or thereafter, MassHealth notified the appellant on November 18, 2024 that it was denying his request for continued MassHealth coverage. (Testimony; Ex. 1).
5. The appellant's CarePlus, which he had been receiving since March 31, 2024, ended on November 21, 2024. (Testimony; Ex. 3).
6. Initially, the appellant was listed as a naturalized citizen, but the required naturalization certificate was not provided. (Testimony).
7. On December 26, 2024, the appellant updated his status to QLP, a status that also required the appellant to submit documentation. (Testimony).
8. The record was left open until January 24, 2025, to give the appellant the opportunity to submit the required documentation concerning his citizenship or immigration status. (Ex. 5).

9. As of January 24, 2025, MassHealth had not received further documentation concerning the appellant's citizenship or immigration status. (Ex. 5).

Analysis and Conclusions of Law

MassHealth requires all applicants, with the exception of "other noncitizens"¹, to verify U.S. citizenship or immigration status. (130 CMR 504.004(A)). The program will first attempt to verify status through electronic data matches. (130 CMR 504.004(A)(1)). If these sources cannot confirm citizenship or immigration status, the individual will need to provide additional documentation. (130 CMR 504.004(A)(1)). Acceptable forms of proof are specified in MassHealth regulations. (130 CMR 504.004(A)(2) and (A)(3)).

If proof of U.S. citizenship is not provided within 90 days of the agency's request, the individual may be eligible only for the Children's Medical Security Plan (CMSP) if they meet the program's requirements, or for MassHealth Standard if pregnant and meeting categorical and financial criteria. (130 CMR 504.004(A)(2)). Similarly, failure to provide proof of immigration status within 90 days may result in eligibility only for MassHealth Limited, CMSP, or MassHealth Standard for pregnant individuals, depending on the criteria. (130 CMR 504.004(A)(3)).

When electronic data matches do not verify an applicant's or member's citizenship or immigration status, MassHealth will provide a reasonable opportunity period to submit the necessary documentation, which begins on the date the applicant or member receives the notice and lasts for 90 days. (130 CMR 502.003(F); 130 CMR 504.005(C)). Applicants and members who demonstrate a good-faith effort to resolve issues with their documentation may be granted a 90-day extension, provided they request it before the original verification period ends. (130 CMR 504.005(D); 130 CMR 502.003(G)).

MassHealth was unable to electronically verify the appellant's citizenship or immigration status. As a result, on July 1, 2024, MassHealth sent the appellant a written request for this information, with a deadline of October 7, 2024. However, no additional information was received from the appellant by the deadline, and MassHealth subsequently issued the notice under appeal. After this notice was issued, the appellant updated his immigration status to QLP but still needed to submit verification of that status. At the hearing, the appellant credibly testified about his confusion regarding his immigration status and the challenges he faced in obtaining the required verification. Although the record was left open for the appellant to submit the necessary documentation after the hearing, he did not provide it by the date the record closed. Therefore, there is no basis to overturn MassHealth's determination at this time.

For the above reasons, the appeal is DENIED.

¹ MassHealth defines the term "other non-citizen" to refer to any non-citizen who does not possess one of the immigration statuses outlined in 130 CMR 504.003, or who has no immigration status at all. (See 130 CMR 504.003(D)).

The appellant, however, should not feel discouraged from continuing to obtain the necessary verification, as this will allow MassHealth to determine regarding his eligibility for benefits.

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.

Scott Bernard
Hearing Officer
Board of Hearings

cc: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780