

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



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|-------------------------|--------------------|------------------------|------------|
| Appeal Decision: | DENIED | Appeal Number: | 2502377 |
| Decision Date: | 5/29/2025 | Hearing Date: | 04/04/2025 |
| Hearing Officer: | Kenneth Brodzinski | Record Open to: | |

Appearance for Appellant:



Appearance for MassHealth:

Glory DeJesus (Springfield MEC) and Carmen Fabery (Premium Billing)



*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

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|----------------------------|---------------------------------|--------------------------|--------------------|
| Appeal Decision: | DENIED | Issue: | HCR Coverage Dates |
| Decision Date: | 5/29/2025 | Hearing Date: | 04/04/2025 |
| MassHealth's Reps.: | Glory DeJesus; Carmen Fabery | 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 December 12, 2024, MassHealth approved Appellant for MassHealth CommonHealth with a start date of December 2, 2024 (Exhibit A).¹ Appellant filed this appeal in a timely manner on February 7, 2025 seeking an earlier start date (see 130 CMR 610.015(B) and Exhibit A). Start date determinations constitute valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth approved Appellant for MassHealth CommonHealth with a start date of November 24, 2024.

Issue

The appeal issue is whether MassHealth properly applied the controlling regulation(s) to accurate facts when it determined Appellant's start date for CommonHealth benefits to be November 24, 2024.

¹ Prior to hearing, MassHealth adjusted the start date to November 24, 2024.

Summary of Evidence

Both parties appeared by telephone.

MassHealth was represented by a worker from the Springfield Enrollment Center and a worker from its Premium Billing Department. The Masshealth representatives testified that Appellant had been receiving Masshealth CommonHealth benefits with a monthly premium when her coverage was terminated on September 26, 2024 due to failing to pay her monthly premiums for July, August and September 2024. Appellant eventually paid the overdue premiums in one payment received by MassHealth on December 4, 2024. On December 12, 2024, the closure of benefits was removed, and benefits were restarted as of that date. MassHealth later moved the start date to November 24, 2024, which is ten days prior to the receipt of the arrearage payment of December 4, 2024. The MassHealth representatives testified this is the earliest date allowed by regulations. A gap in coverage exists between September 26, 2024 and November 24, 2024.

Appellant appeared on his own behalf accompanied by his sister who also serves as Appellant's PCA. Appellant wishes to close the coverage gap. Appellant asserts that since all the premiums have now been paid, there should be no gap in coverage.

In response, the MassHealth representatives explained that the payment Appellant made on December 12, 2024 did not cover the period of the gap; rather, it covered the three months of July, August and September 2024 which Appellant had failed to pay in a timely manner. Appellant has not been charged nor has he paid for premiums during the coverage gap.

Findings of Fact

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

1. Appellant had been receiving MassHealth CommonHealth benefits with a monthly premium when her coverage was terminated on September 26, 2024 due to failing to pay her monthly premiums for July, August and September 2024.
2. Appellant eventually paid the overdue premiums for July, August and September 2024 in one payment received by MassHealth on December 4, 2024.
3. On December 12, 2024, the closure of benefits was removed, and benefits were restarted as of that date.
4. MassHealth later moved the start date to November 24, 2024, which is ten days prior to the receipt of the arrearage payment of December 4, 2024.

5. A gap in Appellant's coverage exists between September 26, 2024 and November 24, 2024.
6. Appellant has not been charged nor has he paid for premiums during the coverage gap.

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 his burden.

MassHealth regulation 130 CMR 506.011 states in pertinent part:

(E) Reactivating Coverage Following Termination When a Member Has a Past Due Balance.

1. *Except as provided in 130 CMR 506.011(E)(2), after the member has paid in full all payments due, has established a payment plan with MassHealth or has been granted a waiver of past-due balance as described in 130 CMR 506.011(G), the MassHealth agency will reactivate coverage.*

Pursuant to MassHealth regulation 130 CMR 502.006, which governs coverage start dates for people in the community receiving MassHealth benefits, coverage does not start any earlier than ten days prior to the date of application or ten days prior to the receipt of any necessary financial verification or other element needed to establish eligibility. MassHealth received Appellant's payment for outstanding premiums on December 4, 2024 and MassHealth has started his CommonHealth benefits ten days prior to that date, November 24, 2024. This action is consistent with the controlling regulation. Appellant has not been charged nor has he paid for coverage for the gap which now exists between September 26, 2024 and November 24, 2024.

This record presents no error of fact and/or law that would undermine the agency's determination of a November 24, 2024 start date. Accordingly, 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

cc:

[REDACTED]

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