

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



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|-------------------------|--------------|------------------------|------------|
| Appeal Decision: | Denied | Appeal Number: | 2502783 |
| Decision Date: | 6/12/2025 | Hearing Date: | 04/14/2025 |
| Hearing Officer: | Thomas Doyle | Record Open to: | N/A |

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Monica Ramirez, Quincy MEC



*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: | Eligibility; Under 65; Over Income |
| Decision Date: | 6/12/2025 | Hearing Date: | 04/14/2025 |
| MassHealth's Rep.: | Monica Ramirez | Appellant's Rep.: | Pro se |
| Hearing Location: | Quincy Harbor South 2 | Aid Pending: | Yes |

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 January 31, 2025, MassHealth changed appellant's MassHealth benefits from MassHealth CarePlus to Health Safety Net, beginning on January 21, 2025, because of a change in their circumstances. (Ex. 1). Appellant filed this appeal in a timely manner on February 14, 2025. (Ex. 2). Denial of assistance is valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth changed appellant's MassHealth benefits from MassHealth CarePlus to Health Safety Net.

Issue

The appeal issue is whether MassHealth was correct in changing appellant's MassHealth benefits from MassHealth CarePlus to Health Safety Net.

Summary of Evidence

Appellant and the MassHealth worker (worker) appeared in person and were sworn. The worker stated appellant was in a household of 1, with a weekly income from Family Medical Leave (FML) of \$784, equaling a monthly income of \$3,397. (Testimony; Ex. 5). The worker stated this placed appellant at 255.48% of the Federal Poverty Level (FPL). The worker stated appellant, as a household of 1, cannot exceed 133% of the FPL or \$1,735 a month in income. She said appellant is currently receiving MassHealth CarePlus due to the application of aid pending. The worker advised appellant if his income changes, to notify MassHealth.

Appellant stated the reason he appealed was because he needs to stay on MassHealth because he is taking various medications a day and has some other medical conditions. He stated he could not afford the cost of the Health Connector and support himself at the same time.

Findings of Fact

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

1. Appellant, who has a household of 1, was previously approved for MassHealth CarePlus.
2. In a review of his eligibility, MassHealth determined that appellant has weekly income from FML of \$784, equaling a monthly income of \$3,397. (Testimony; Ex. 5).
3. Appellant is at 255.48% of the FPL. (Testimony).
4. To remain eligible for MassHealth, appellant, as a household of 1, cannot exceed 133% of the FPL, \$1,735 a month in income. (Testimony; 2025 MassHealth Income Standards and Federal Poverty Guidelines).
5. Aid pending has been applied. (Ex. 4).

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).

The MassHealth coverage types are set forth at 130 CMR 505.001(A), as follows:

- (1) MassHealth Standard – for people who are pregnant, children, parents and caretaker relatives, young adults¹, disabled individuals, certain persons who are HIV positive,

¹ "Young adults" are defined at 130 CMR 501.001 as those aged [REDACTED]

individuals with breast or cervical cancer, independent foster care adolescents, Department of Mental Health (DMH) members, and medically frail as such term is defined in 130 CMR 505.008(F);

(2) MassHealth CommonHealth – for disabled adults, disabled young adults, and disabled children who are not eligible for MassHealth Standard;

(3) MassHealth CarePlus – for adults [REDACTED] years of age who are not eligible for MassHealth Standard;

(4) MassHealth Family Assistance – for children, young adults, certain noncitizens and persons who are HIV positive who are not eligible for MassHealth Standard, MassHealth CommonHealth, or MassHealth CarePlus;

(5) MassHealth Limited – for certain lawfully present immigrants as described in 130 CMR 504.003(A): *Lawfully Present Immigrants*, nonqualified PRUCOLs, and other noncitizens as described in 130 CMR 504.003: *Immigrants*; and

(6) MassHealth Medicare Savings Programs (MSP, also called Senior Buy-in and Buy-in)— for certain Medicare beneficiaries.

The financial standards referred to in 130 CMR 505.000 use MassHealth modified adjusted gross income (MAGI) household or MassHealth Disabled Adult household, as defined in 130 CMR 506.002: *Household Composition*. 130 CMR 505.001(B).

At issue in this case is MassHealth's determination that appellant is not eligible for MassHealth benefits. As of the hearing date, the appellant did not meet any of the categorical requirements for MassHealth Standard or CommonHealth eligibility and there was no evidence that appellant had a disability. He is therefore not currently eligible for either of these coverage types.

MassHealth also determined that appellant is not eligible for MassHealth CarePlus, his previous coverage type. The categorical requirements and financial standards for CarePlus are set forth at 130 CMR 505.008(A)(2), as follows:

- (a) The individual is an adult [REDACTED] years old.
- (b) The individual is a citizen, as described in 130 CMR 504.002: *U.S. Citizens*, or a qualified noncitizen, as described in 130 CMR 504.003(A)(1): *Qualified Noncitizens*.
- (c) The individual's modified adjusted gross income of the MassHealth MAGI household is less than or equal to 133% of the federal poverty level.
- (d) The individual is ineligible for MassHealth Standard.
- (e) The adult complies with 130 CMR 505.008(C).
- (f) The individual is not enrolled in or eligible for Medicare Parts A or B.

MassHealth determined appellant's income exceeds the allowable limit of 133% of the federal poverty level. The procedures for calculating financial eligibility for both MassHealth MAGI and MassHealth Disabled Adult households are set forth at 130 CMR 506.007:

(A) Financial eligibility for coverage types that are determined using the MassHealth MAGI household rules and the MassHealth Disabled Adult household rules is determined by comparing the sum of all countable income less deductions for the individual's household as described in 130 CMR 506.002 with the applicable income standard for the specific coverage type.

(1) The MassHealth agency will construct a household as described in 130 CMR 506.002 for each individual who is applying for or renewing coverage. Different households may exist within a single family, depending on the family members' familial and tax relationships to each other.

(2) Once the individual's household is established, financial eligibility is determined by using the total of all countable monthly income for each person in that individual's MassHealth MAGI or Disabled Adult household. Income of all the household members forms the basis for establishing an individual's eligibility.

(a) A household's countable income is the sum of the MAGI-based income of every individual included in the individual's household with the exception of children and tax dependents who are not expected to be required to file a return as described in 42 CFR 435.603 and 130 CMR 506.004(M).

(b) Countable income includes earned income described in 130 CMR 506.003(A) and unearned income described in 130 CMR 506.003(B) less deductions described in 130 CMR 506.003(D).

(c) In determining monthly income, the MassHealth agency multiplies average weekly income by 4.333.

(3) Five percentage points of the current federal poverty level (FPL) is subtracted from the applicable household total countable income to determine eligibility of the individual under the coverage type with the highest income standard.

Under 130 CMR 506.002(B)(1), the MassHealth MAGI household for a taxpayer not claimed as a tax dependent consists of:

(a) the taxpayer, including their spouse, if the taxpayers are married and filing jointly regardless of whether they are living together;

- (b) the taxpayer's spouse, if living with them regardless of filing status;
- (c) all persons the taxpayer expects to claim as tax dependents; and
- (d) if any individual described in 130 CMR 506.002(B)(1)(a) through (c) is pregnant, the number of expected children.

Under these rules, appellant – who is not claimed as a tax dependent and is a single tax filer– has a MassHealth MAGI household of one, consisting of himself. Appellant’s monthly household income is \$3,397 from employment.² This figure is approximately 255.48% of the FPL for a household of 1, which is over the income limit of 133% FPL even with the five-percentage-point deduction set forth in 130 CMR 506.007(A)(3).³ Accordingly, MassHealth’s determination that appellant is not financially eligible for MassHealth CarePlus was correct.

This appeal is denied.

Order for MassHealth

End aid pending.

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.

² Based upon the record, none of the income deductions listed at 130 CMR 506.003(D) apply to appellant’s case. These deductions, which are subject to changes in federal law, are set forth as follows: (1) educator expenses; (2) reservist/performance artist/fee-based government official expenses; (3) health savings account; (4) moving expenses, for the amount and populations allowed under federal law; (5) one-half self-employment tax; (6) self-employment retirement account; (7) penalty on early withdrawal of savings; (8) alimony paid to a former spouse for individuals with alimony agreements finalized on or before December 31, 2018. Alimony payments under separation or divorce agreements finalized after December 31, 2018, or pre-existing agreements modified after December 31, 2018, are not deductible; (9) individual retirement account (IRA); (10) student loan interest; (11) scholarships, awards, or fellowships used solely for educational purposes; and (12) other deductions described in the Tax Cut and Jobs Act of 2017, Public Law 115-97 for as long as those deductions are in effect under federal law.

³ As set forth above, that section provides that “[f]ive percentage points of the current federal poverty level (FPL) is subtracted from the applicable household total countable income to determine eligibility of the individual under the coverage type with the highest income standard.” Five percentage points of the current FPL (\$1,305 per month for a household of 1) is \$65.25 per month.

Thomas Doyle
Hearing Officer
Board of Hearings

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