

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2502867
Decision Date:	05/15/2025	Hearing Date:	03/19/2025
Hearing Officer:	Emily Sabo		

Appearances for Appellant:



Appearances for MassHealth:

Timothy O'Donnell, Tewksbury MEC; Eileen Cynamon, R.N., Disability Evaluation Services



*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; Income; Disability
Decision Date:	05/15/2025	Hearing Date:	03/19/2025
MassHealth's Reps.:	Timothy O'Donnell; Eileen Cynamon	Appellant's Reps.:	
Hearing Location:	Tewksbury MassHealth Enrollment Center (Telephone)	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 February 10, 2025, MassHealth notified the Appellant that his MassHealth benefit was terminating due to his household income being too high. 130 CMR 506.007(B) and Exhibit 1.¹ The Appellant filed this appeal in a timely manner on February 19, 2025. 130 CMR 610.015(B) and Exhibit 2. Denial of assistance is valid grounds for appeal. 130 CMR 610.032.

Action Taken by MassHealth

MassHealth notified the Appellant that it was terminating his MassHealth benefit.

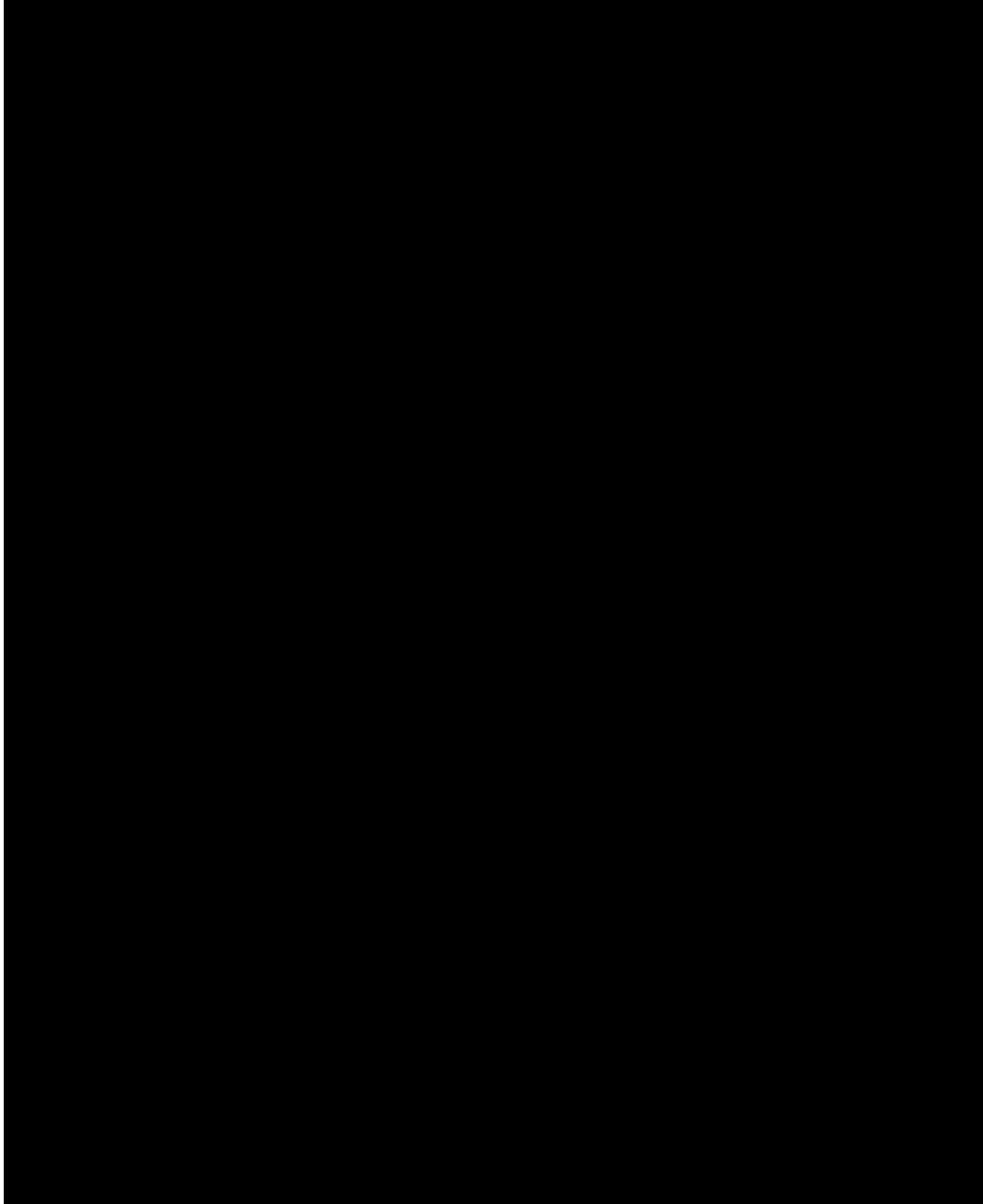
Issue

¹ On February 6, 2025, MassHealth's Disability Evaluation Services also notified the Appellant that it found him not disabled. Exhibit 7.

The appeal issue is whether MassHealth was correct in determining that the Appellant was not eligible for MassHealth benefits on the basis of income or disability.

Summary of Evidence

In advance of the hearing, the Appellant's mother submitted a narrative parent statement. Exhibit 6. In part, she writes:





Id. at 2-5.

The hearing was held by telephone. MassHealth was represented by a benefits eligibility specialist and an appeals reviewer from Disability Evaluation Services. The benefits eligibility specialist testified that the Appellant is [REDACTED], and has a household size of two, consisting of himself and his mother, who claims the Appellant as a tax dependent. The household income from the mother's employment is \$3,148.00 every two weeks, which equals 395% of the 2025 federal poverty level for a household of two. The Appellant's mother agreed with this income information. The benefits eligibility specialist testified that MassHealth was notified on February 6, 2025, that the Appellant was found to be not disabled, which prompted the February 10, 2025 termination notice.

The appeals reviewer testified as follows: age 18 is the change point from an individual completing a child versus adult disability supplement. Disability Evaluation Services determines, for MassHealth, if an applicant meets the Social Security Administration (SSA) level of disability from a clinical standpoint. Disability Evaluation Services uses a 5-step process, as described by SSA regulations at Title 20 Code of Federal Regulations (CFR) Ch. III section 416.920 to determine disability status. The process is driven by the applicant's medical records and disability supplement. SSA CFR §416.905 states that the definition of disability is the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death, or which has lasted or can be expected to last for a continuous period of not less than 12 months. To meet this definition, an individual must have a severe impairment(s) that makes them unable to do their past relevant work or any other substantial gainful work that exists in the regional economy.

Per SSA CFR §416.945, what a person can still do despite an impairment is called his or her residual functional capacity (RFC). Unless an impairment is so severe that it is deemed to prevent an individual from doing substantial gainful activity, it is this residual functional



capacity that is used to determine whether they can still do their past work or, in conjunction with their age, education and work experience, any other work.

The Appellant is a [REDACTED] male who was previously determined disabled for MassHealth CommonHealth as a minor child in 2017. The Appellant submitted his first MassHealth Adult Disability Supplement on January 23, 2025, and his first Adult Disability Review was initiated. He listed the following health problems on his Supplement: Migraines, allergies, hidradenitis suppurativa, Trisomy 5p: 5p13.2 duplication, anxiety with panic attacks, Autism Spectrum Disorder (ASD), dyslexia, and depression.

Once medical documentation was received at Disability Evaluation Services, the 5-step review process was initiated:

Step 1 asks “Is the claimant engaging in substantial gainful activity (SGA)?” Step 1 was marked, “No.” This step is waived by MassHealth regardless of the claimant engaging in SGA, while on the federal level engaging in SGA stops the disability review in its entirety.

Step 2 asks “Does the claimant have a medically determinable impairment (MDI) or combination of MDIs that is both severe and meets the duration requirement (impairment(s) is expected to result in death or has lasted or is expected to last for a continuous period of not less than 12 months).” The provider information was sufficient to establish the appellant’s MDIs met the severity and duration requirements for Step 2 and the disability reviewer selected, “Yes.”

Step 3 asks “Does the claimant have an impairment(s) that meets an adult SSA listing, or is medically equal to a listing, and meets the listing level duration requirement?” Step 3 was marked, “No” by the reviewer citing the applicable adult SSA listings considered: 8.09 -- Chronic Conditions of the Skin or Mucous Membranes (Hidradenitis Suppurativa), 11.02 – Epilepsy (Migraine Headaches/ Allergies), 12.04 – Depressive, Bipolar and Related Disorders, 12.05 – Intellectual Disorders (5p12.2 gene duplication, dyslexia), 12.06 – Anxiety and Obsessive-Compulsive Disorders, 12.10 – Autism Spectrum Disorders. The appeals reviewer also considered SSI listings: 12.11 – Neurodevelopmental Disorders (dyslexia).

Steps 4 & 5 rely on an RFC assessment along with a vocational assessment. The RFC is the most an applicant can still do despite limitations. An applicant’s RFC is based on all relevant evidence in the case record. A Physical RFC, completed by Dr. Hasenfeld on February 6, 2025, indicates the appellant is capable of performing the full range of Medium work activity with consideration of postural limitation for never climbing (ladders, scaffolding, etc.) and environmental limitation to hazards (machinery, heights, etc.). A Mental RFC, completed by Dr. Pelletier on February 6, 2025, indicates that the Appellant is capable of performing basic, unskilled work activity when considering moderate limitations in his ability to learn new tasks & adapt to new work setting with ordinary training, interact and cooperate appropriately with coworkers, interact appropriately with the general public, and respond appropriately to

changes in the work setting. Dr. Pelletier writes:

Overall, there is no evidence of marked functional limitations; however, the client has probable moderate limitations in his ability to adapt to change and to function in socially demanding environments that require active collaboration with coworkers and sustained interaction with the general public. He may also have moderate limitations in his ability to adapt to new work settings with ordinary training a[nd] he may benefit from active job coaching a[t] such a time.

Exhibit 7 at 70. The disability reviewer completed a vocational assessment, using the educational and work history reported on the client's supplement and the Physical and Mental RFCs. The 5-step review process continued to Step 4.

Step 4 asks, "Does the claimant retain the capacity to perform any past relevant work?" The Appellant is a full-time college student and does not have SGA work history for consideration. The disability reviewer selected "No" and the review proceeded to Step 5.

Step 5 asks, "Does the claimant have the ability to make an adjustment to any other work, considering the claimant's RFCs, age, education, and work experience?" The reviewer selected "Yes," citing three unskilled jobs available within both the regional and national economy. The disability reviewer referenced the Occupational Employment Quarterly and quoted three jobs: 4220 Building Cleaning Workers, all other, 4230 Maids and Housekeeping Cleaners, 4250 Landscaping and Groundskeeping Workers. The disability reviewer determined the Appellant is 'Not Disabled.' The 5-step evaluation process concluded with a final review and endorsement of the disability decision by Physician Advisors Lucinda Wheelock, MD, and Peter Mosbach, Ph.D., both on February 6, 2025. Disability Evaluation Services mailed a Disability Determination denial letter to the client on February 6, 2025 and the decision was transmitted to MassHealth.

The appeals reviewer concluded that the Appellant does not meet or equal the high threshold of adult SSA disability listings. Additionally, his RFCs indicate he is capable of performing work activity in the competitive labor market. Finally, there are, within the regional/national economy, a sizable number of jobs (in one or more occupations) having requirements which the Appellant can perform based on his physical and mental capabilities and his vocational qualifications. Therefore, the appeals reviewer found that the Appellant is not clinically eligible for Title XVI level benefits and was correctly determined "Not Disabled."

The appeals reviewer also explained that the decision is based on a snapshot in time and that the medical records indicated that the Appellant was more functional in comparison to the description in the parent statement. The appeals reviewer explained that the suggested jobs were ones that did not require public-facing interaction, and could be performed at night. The appeals reviewer also encouraged the Appellant to reapply if his conditions or medications change. She also stated that if the SSA finds that the Appellant is disabled, to let MassHealth know.

The Appellant's mother verified the Appellant's identity. The Appellant's mother explained that MassHealth has always been the Appellant's secondary insurance. The Appellant's mother explained that the Appellant would not be able to perform the suggested cleaning jobs. The Appellant's mother testified that he also has a pending appeal with the SSA, in which a lawyer is representing him. The Appellant's mother testified that she thinks that the Appellant wants to see his therapist as a friend and so does not honestly communicate his challenges to him. The Appellant's mother testified that the Appellant's primary care physician retired two years ago, and so they are working to find and build up a series of new medical providers who understand the full picture of Appellant's health and disabilities. The Appellant's mother also explained that the Appellant has a number of accommodations at school, which include a reduced class load, a distraction-reduced environment, spelling exemptions, accessibility services, study guides, extra time, and access to a calculator.

Findings of Fact

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

1. The Appellant is a [REDACTED]. The Appellant has a household size of two, consisting of the Appellant and his mother. The household's income is 395% of the 2025 federal poverty level for a household of two. Testimony and Exhibit 4.
2. On January 23, 2025, the Appellant submitted a MassHealth Adult Disability Supplement to Disability Evaluation Services. The Appellant listed the following health problems on his Supplement: Migraines, allergies, hidradenitis suppurativa, Trisomy 5p: 5p13.2 duplication, anxiety with panic attacks, Autism Spectrum Disorder (ASD), dyslexia, and depression. Testimony.
3. Once Disability Evaluation Services received all required documentation, it initiated the 5-step disability review process. Testimony.
4. At Step 1, Disability Evaluation Services found that the Appellant was not engaged in SGA and marked "no." This step is waived by MassHealth. Testimony.
5. At Step 2, Disability Evaluation Services found that the Appellant had an MDI that is both severe and meets the duration requirement and marked "yes." Testimony.
6. At Step 3, Disability Evaluation Services found that the Appellant did not have an impairment that met an adult SSA listing, or is medically equal to a listing, and meets the listing level duration requirement, and marked "no." Testimony.
7. In advance of steps 4 and 5, Disability Evaluation Services performed an RFC and vocational assessment. A Physical RFC, completed by Dr. Hasenfeld on February 6, 2025, indicates the appellant is capable of performing the full range of medium work activity

with consideration of postural limitation for never climbing (ladders, scaffolding, etc.) and environmental limitation to hazards (machinery, heights, etc.). A Mental RFC, completed by Dr. Pelletier on February 6, 2025, indicates that the Appellant is capable of performing basic, unskilled work activity when considering moderate limitations in his ability to learn new tasks and adapt to new work setting with ordinary training, interact and cooperate appropriately with coworkers, interact appropriately with the general public, and respond appropriately to changes in the work setting. Testimony.

8. Dr. Pelletier wrote "Overall, there is no evidence of marked functional limitations; however, the client has probable moderate limitations in his ability to adapt to change and to function in socially demanding environments that require active collaboration with coworkers and sustained interaction with the general public. He may also have moderate limitations in his ability to adapt to new work settings with ordinary training a[nd] he may benefit from active job coaching a[t] such a time." Exhibit 7.
9. At Step 4, Disability Evaluation Services found that the Appellant is a full-time college student and does not have SGA work history for consideration, and the disability reviewer selected "no." Testimony.
10. At Step 5, Disability Evaluation Services found that the Appellant is able to perform work, considering his RFCs, age, education, and work experience, and selected "yes," citing three unskilled jobs available within both the regional and national economy. The disability reviewer referenced the Occupational Employment Quarterly and quoted three jobs: 4220 Building Cleaning Workers, all other, 4230 Maids and Housekeeping Cleaners, 4250 Landscaping and Groundskeeping Workers. Testimony.
11. The disability reviewer determined the Appellant is "Not Disabled." The 5-step evaluation process concluded with a final review and endorsement of the disability decision by Physician Advisors Lucinda Wheelock, MD, and Peter Mosbach, Ph.D. both on February 6, 2025. Testimony.
12. The appeals reviewer concluded that the Appellant does not meet or equal the high threshold of adult SSA disability listings. Additionally, his RFCs indicate he is capable of performing work activity in the competitive labor market. Finally, there are, within the regional/national economy, a sizable number of jobs (in one or more occupations) having requirements which the Appellant can perform based on his physical and mental capabilities and his vocational qualifications. Therefore, the appeals reviewer found that the Appellant is not clinically eligible for Title XVI level benefits and was correctly determined "Not Disabled." Testimony.
13. Disability Evaluation Services concluded that the Appellant is not disabled and notified the Appellant and MassHealth of that conclusion on February 6, 2025.

14. On February 10, 2025, MassHealth notified the Appellant that his MassHealth benefit was ending on February 24, 2025. Exhibit 1.
15. The Appellant filed a timely appeal with the Board of Hearings on February 19, 2025. Exhibit 2.
16. The Appellant's Medicaid Management Information System (MMIS) record indicates that he has had MassHealth Standard since May 20, 2024. Exhibit 4.

Analysis and Conclusions of Law

MassHealth regulations provide as follows:

130 CMR 505.002: MassHealth Standard

....

(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).

....

(3) Young Adults 19 through 20 Years Old.

(a) A young adult 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 (FPL); and
2. the young adult 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) A young adult receiving MassHealth Standard who receives inpatient services on the date of their 21st birthday remains eligible until the end of the stay for which the inpatient services are furnished.

(c) Eligibility for a young adult who is pregnant is determined under 130 CMR 505.002(D).

....

(E) Disabled Individuals.

(1) Disabled Adults. A disabled adult 21 through 64 years old or a disabled young adult 19 through 20 years old who does not meet the requirements described at 130 CMR 505.002(B)(3)(a)1. is eligible for MassHealth Standard coverage if they meet the following requirements:

(a) the individual is permanently and totally disabled as defined in 130 CMR 501.001: *Definition of Terms*;

(b) the modified adjusted gross income of the MassHealth Disabled Adult household as described in 130 CMR 506.002(C): *MassHealth Disabled Adult Household* is less than or

equal to 133% of the federal poverty level (FPL), or the individual is eligible under section 1634 of the Social Security Act (42 U.S.C. § 1383c) as a disabled adult child or as a disabled widow or widower, or is eligible under the provisions of the Pickle Amendment as described at 130 CMR 519.003: *Pickle Amendment Cases*;

(c) 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*; and

(d) the individual complies with 130 CMR 505.002(M).

(2) Determination of Disability. Disability is established by

(a) certification of legal blindness by the Massachusetts Commission for the Blind (MCB);

(b) a determination of disability by the SSA; or

(c) a determination of disability by the Disability Evaluation Services (DES).

(3) Extended MassHealth Eligibility. Disabled persons whose SSI disability assistance has been terminated and who are determined to be potentially eligible for MassHealth continue to receive MassHealth Standard until the MassHealth agency makes a determination of ineligibility.

130 CMR 505.002(B)(3), (E).

130 CMR 505.004: MassHealth CommonHealth

(A) Overview.

(1) 130 CMR 505.004 contains the categorical requirements and financial standards for CommonHealth coverage available to both disabled children and disabled adults, and to disabled working adults.

(2) Persons eligible for MassHealth CommonHealth coverage are eligible for medical benefits as described in 130 CMR 450.105(E): *MassHealth CommonHealth*.

....

(D) Disabled Working Young Adults. Disabled working young adults are eligible for MassHealth CommonHealth if they meet the following requirements:

(1) be permanently and totally disabled (except for engagement in substantial gainful activity), as defined in 130 CMR 501.001: *Definition of Terms*;

(2) be ineligible for MassHealth Standard;

(3) (a) be a citizen as described at 130 CMR 504.002: *U.S. Citizens* or qualified noncitizen as described in 130 CMR 504.003(A)(1): *Qualified Noncitizens* and be employed at least 40 hours per month, or if employed less than 40 hours per month, have been employed at least 240 hours in the six-month period immediately preceding the month of receipt of the application or MassHealth eligibility review; or

(b) be a nonqualified PRUCOL as described in 130 CMR 504.003(C): *Nonqualified Persons Residing under Color of Law (Nonqualified PRUCOLs)* with a modified adjusted gross income of the MassHealth Disabled Adult household income that is less than or equal to 150% of the FPL; and

(4) comply with 130 CMR 505.004(J).

(E) Disabled Young Adults. Disabled young adults are eligible for MassHealth CommonHealth if they meet the following requirements:

- (1) be permanently and totally disabled, as defined in 130 CMR 501.001: Definition of Terms;
- (2) be ineligible for MassHealth Standard;
- (3) (a) be a citizen as described at 130 CMR 504.002: U.S. Citizens or qualified noncitizen as described in 130 CMR 504.003(A)(1): Qualified Noncitizens, and either
 1. meet a one-time-only deductible in accordance with 130 CMR 506.009: The One-time Deductible; or
 2. have modified adjusted gross income of the MassHealth Disabled Adult household that is less than or equal to 200% of the FPL and provide verification that they are HIV positive; or
- (b) be a nonqualified PRUCOL as described in 130 CMR 504.003(C): Nonqualified Persons Residing under Color of Law (Nonqualified PRUCOLs) with a modified adjusted gross income of the MassHealth Disabled Adult household income that is less than or equal to 150% of the FPL; and
- (4) comply with 130 CMR 505.004(J).

....

(H) Determination of Disability. Disability is established by

- (1) certification of legal blindness by the Massachusetts Commission for the Blind (MCB);
- (2) a determination of disability by the SSA; or
- (3) a determination of disability by the Disability Evaluation Services (DES).

130 CMR 505.004(A), (D), (E), (H).

In order to be found disabled for MassHealth, a young adult² must be permanently and totally disabled. 130 CMR 501.001. The guidelines used in establishing disability under this program are the same as those used by the SSA. 130 CMR 501.001.

Individuals who meet the Social Security Administration's definition of disability may establish eligibility for MassHealth Standard according to 130 CMR 505.002(E). In Title XVI of the Social Security Act, Section 416.405, the Social Security Administration defines disability as:

the inability to engage in any substantial gainful activity by reason of any medical determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months.

Title XVI of the Social Security Act establishes standards and the five-step sequential evaluation process for the Medical Assistance Program. *See* 20 CFR 416.920; 20 CFR 416.905; Exhibit 7.

² A "young adult" is defined as an individual 19 or 20 years old. 130 CMR 501.001.

If a determination of disability can be made at any step, the evaluation process stops at that point. Step 1 considers whether the Appellant is substantially gainfully employed. This step is waived in MassHealth cases. Here, the Appellant is not substantially gainfully employed. Thus, the review proceeds to Step 2.

Step 2 determines whether the Appellant has an MDI. In this case, Disability Evaluation Services determined that the Appellant's impairments have lasted, or are expected to last, twelve months. Accordingly, the Appellant's impairments meet Step 2, and the review process proceeds to Step 3.

Step 3 requires the reviewer to determine whether the impairments meet certain criteria found in the federal *Listing of Impairments* at 20 CFR Ch. III, Pt. 404, Subpt. P, App. 1. Disability Evaluation Services reviewed the Appellant's case in light of his various impairments and determined that the Appellant did not meet the listings for 8.09 -- Chronic Conditions of the Skin or Mucous Membranes (Hidradenitis Suppurativa), 11.02 -- Epilepsy (Migraine Headaches/ Allergies), 12.04 -- Depressive, Bipolar and Related Disorders, 12.05 -- Intellectual Disorders (5p12.2 gene duplication, dyslexia), 12.06 -- Anxiety and Obsessive-Compulsive Disorders, 12.10 -- Autism Spectrum Disorders, and 12.11 -- Neurodevelopmental Disorders (dyslexia). I agree with the determination of Disability Evaluation Services and find there is insufficient evidence to support a finding that Appellant met the criteria of these listings.

Disability Evaluation Services performed an RFC and vocational assessment, which found the Appellant is capable of performing the full range of medium work activity with consideration of postural limitation for never climbing (ladders, scaffolding, etc.) and environmental limitation to hazards (machinery, heights, etc.). A Mental RFC, completed by Dr. Pelletier, found that the Appellant is capable of performing basic, unskilled work activity when considering moderate limitations in his ability to learn new tasks and adapt to new work setting with ordinary training, interact and cooperate appropriately with coworkers, interact appropriately with the general public, and respond appropriately to changes in the work setting. Specifically, Dr. Pelletier wrote:

Overall, there is no evidence of marked functional limitations; however, the client has probable moderate limitations in his ability to adapt to change and to function in socially demanding environments that require active collaboration with coworkers and sustained interaction with the general public. He may also have moderate limitations in his ability to adapt to new work settings with ordinary training a[nd] he may benefit from active job coaching a[t] such a time.

Exhibit 7 at 70.

At Step 4, Disability Evaluation Services found that the Appellant is a full-time college student and does not have SGA work history for consideration, and the disability reviewer selected "no." At Step 5, Disability Evaluation Services found that the Appellant is able to perform work,

considering his RFCs, age, education, and work experience, and selected “yes,” citing three unskilled jobs available within both the regional and national economy. The disability reviewer referenced the Occupational Employment Quarterly and quoted three jobs: 4220 Building Cleaning Workers, all other, 4230 Maids and Housekeeping Cleaners, 4250 Landscaping and Groundskeeping Workers. Therefore, Disability Evaluation Services found that the Appellant is not disabled. Consistent with the evaluation provided by Dr. Pelletier and the Appellant’s medical records, I find that the Appellant is capable of working and thus is not disabled. See Exhibit 7 at 70, 90-249.

The parties agreed that the Appellant’s household income is 395% of the federal poverty level. Therefore, he is not financially eligible for MassHealth Standard as a young adult because his income exceeds 150% of the federal poverty level. 130 CMR 505.002(B)(3)(a)1. Due to the determination of disability evaluation services that he is not disabled, the Appellant is not otherwise eligible for MassHealth. See 130 CMR 505.002(E)(1)(a), (2)(c); 130 CMR 505.004(D), (E).

While I find the Appellant’s mother’s testimony regarding the Appellant’s challenges to be credible, that testimony is insufficient to meet the high burden of showing that the Appellant is permanently and totally disabled. I find that the record supports the conclusion that the Appellant can perform basic, unskilled work, and that this type of work exists and is available. Therefore, I find that Disability Evaluation Services did not err in concluding that the Appellant is not disabled. The 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.

Emily Sabo
Hearing Officer
Board of Hearings



cc: MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957

cc: MassHealth Representative: Disability Evaluation Services