

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2504327
Decision Date:	04/18/2025	Hearing Date:	04/16/2025
Hearing Officer:	Sharon Dehmand		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Dominique Correa, Springfield MEC

Interpreter:



*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; Immigration status
Decision Date:	04/18/2025	Hearing Date:	04/16/2025
MassHealth’s Rep.:	Dominique Correa	Appellant’s Rep.:	██████
Hearing Location:	Remote	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 February 28, 2025, MassHealth approved the appellant for MassHealth Limited coverage. See 130 CMR 504.000 and Exhibit 1. The appellant filed this appeal in a timely manner on March 14, 2025. See 130 CMR 610.015(B) and Exhibit 2. Challenging agency determinations regarding scope and amount of assistance is valid grounds for appeal to the Board of Hearings. See 130 CMR 610.032(A)(5).

Action Taken by MassHealth

MassHealth found that the appellant was eligible for MassHealth Limited benefits.

Issue

Whether MassHealth was correct in determining that the appellant was eligible for MassHealth Limited benefits. See 130 CMR 504.003; 130 CMR 504.006.

Summary of Evidence

All parties participated telephonically. MassHealth was represented by a worker from the

Springfield MassHealth Enrollment Center. The appellant appeared pro se and verified his identity. The following is a summary of the testimony and evidence provided at the hearing:

The MassHealth representative testified that on February 26, 2025, the appellant submitted an initial online application for MassHealth benefits. On the same day, MassHealth received proof of address and proof of immigration status from the appellant. The appellant was approved for MassHealth Limited coverage starting on February 16, 2025, based on his immigration status as a non-immigrant with a student visa. She added the appellant is not working and is a non-tax filer which is the reason he does not qualify for a Massachusetts Health Connector plan.

The appellant testified that he is an international student with a student visa. He stated that he does not have a “green card” but that he is a legal resident of Massachusetts. He agreed that he is unemployed and does not file taxes. Nonetheless he argued that since he is a “long-term” student, he should be given a full MassHealth coverage.

Findings of Fact

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

1. The appellant is an adult between the ages of 21 and 64. (Exhibit 4).
2. On February 26, 2025, the appellant submitted an initial online application for MassHealth benefits along with proof of address and proof of immigration status. (Testimony).
3. On February 28, 2025, MassHealth approved the appellant for MassHealth Limited coverage starting on February 16, 2025. (Testimony and Exhibit 1).
4. The appellant filed this appeal in a timely manner on March 14, 2025. (Exhibit 2).
5. The appellant has a non-immigrant student visa. (Testimony).
6. The appellant does not work and is a non-tax filer. (Testimony).

Analysis and Conclusions of Law

At the outset, it should be noted that certain noncitizens may qualify for MassHealth benefits, depending on their legal status. MassHealth’s regulations regarding citizenship and immigration can be found at 130 CMR 504.000, and specific requirements for immigrants are codified at 130 CMR 504.003.

The MassHealth regulations at 130 CMR 504.003 detail the circumstances in which these

applicants may receive benefits. Regarding sections relevant to this appeal, “Lawfully Present Immigrants” such as the appellant are subdivided into three categories: Qualified Noncitizens, Qualified Noncitizens Barred, and Nonqualified Individuals Lawfully Present. See 130 CMR 504.003(A)(1), (2), and (3).

“Nonqualified individuals lawfully present” are defined as follows:

- (a) are in a valid nonimmigrant status as otherwise defined in 8 U.S.C. 1101(a)(15) or otherwise under immigration laws (as defined in 8 U.S.C. 1101(a)(17));
- (b) are paroled into the United States in accordance with 8 U.S.C. 1182(d)(5) for less than one year, except for an individual paroled for prosecution, for deferred inspection or pending removal proceedings;
- (c) belong to one of the following classes:
 - 1. granted Temporary Resident Status in accordance with 8 U.S.C. 1160 or 1255a, respectively;
 - 2. granted Temporary Protected Status (TPS) in accordance with 8 U.S.C. 1254a, and individuals with pending applications for TPS who have been granted employment authorization;
 - 3. granted employment authorization under 8 CFR 274a.12(c);
 - 4. Family Unity beneficiaries in accordance with section 301 of Public Law 101– 649;
 - 5. under Deferred Enforced Departure (DED) in accordance with a decision made by the President;
 - 6. granted Deferred Action status, except for applicants or individuals granted status under Department of Homeland Security (DHS) Deferred Action for Childhood Arrivals Process (DACA);
 - 7. granted an administrative stay of removal under 8 CFR part 241; or
 - 8. beneficiaries of approved visa petitions who have pending applications for adjustment of status;
- (d) have a pending application for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C. 1231, or under the Convention Against Torture Treaty who:
 - 1. have been granted employment authorization; or
 - 2. are younger than 14 years old and have had an application pending for at least 180 days;
- (e) have been granted withholding of removal under the Convention Against Torture Treaty; or
- (f) is a child who has a pending application for Special Immigrant Juvenile status as described in 8 U.S.C. 1101(a)(27)(J).

See 130 CMR 504.003(A)(3)

Here, both parties agreed that the appellant is a student with a non-immigrant student visa. The

appellant testified that he is an international student and does not have a so-called “green card.”¹ As such, he is considered a nonqualified individual lawfully present. See 130 CMR 504.003(A)(3)(a). The question then becomes what coverage type does the appellant qualify for as a nonqualified individual lawfully present.

Nonqualified individuals lawfully present may receive the following coverage:

- (1) MassHealth Standard, if they are younger than 19 years old, young adults 19 and 20 years of age, or people who are pregnant and meet the categorical requirements and financial standards described in 130 CMR 505.002: MassHealth Standard; independent foster care children 18 through 20 years of age, and children younger than 19 years old and young adults age 19 and 20 years of age who are receiving EAEDC.
- (2) MassHealth CommonHealth, if they are younger than 19 years old and meet the categorical requirements and financial standards as described in 130 CMR 505.004: MassHealth CommonHealth;
- (3) MassHealth Family Assistance, if they are children younger than 19 years old, disabled adults 21 through 64 years of age and meet the categorical requirements and financial standards as described in 130 CMR 505.005: MassHealth Family Assistance or adults 21 through 64 years of age who are receiving EAEDC;
- (4) MassHealth Limited, if they are adults 21 through 64 years of age and meet the categorical requirements and financial standards as described in 130 CMR 505.006: MassHealth Limited; and
- (5) Children’s Medical Security Plan, if they are children younger than 19 years old and meet the categorical requirements and financial standards as described in 130 CMR 522.004: Children’s Medical Security Plan (CMSP).

See 130 CMR 504.006(B).

In this case, the appellant is an adult between the ages of 21 and 64. See Exhibit 4. He is not working and is a non-tax filer. Contrary to the appellant’s argument, his status as a “long-term” student is not a category recognized by the regulations that would qualify him for any other MassHealth coverage type. See Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228 (2007)(appellant has the burden “to demonstrate the invalidity of the administrative determination”). As such, MassHealth correctly approved the appellant for MassHealth Limited coverage.

For the foregoing reasons, this appeal is hereby DENIED.

Order for MassHealth

¹ A green card is formally known as being admitted for lawful permanent residence (LPR).

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.

Sharon Dehmand, Esq.
Hearing Officer
Board of Hearings

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