

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	REMANDED	<b>Appeal Number:</b>	2505432
<b>Decision Date:</b>	05/15/2025	<b>Hearing Date:</b>	05/09/2025
<b>Hearing Officer:</b>	Sharon Dehmand		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Katie Burgess, Taunton 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

<b>Appeal Decision:</b>	REMANDED	<b>Issue:</b>	Community Eligibility – under 65; Income
<b>Decision Date:</b>	05/15/2025	<b>Hearing Date:</b>	05/09/2025
<b>MassHealth's Rep.:</b>	Katie Burgess	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Remote	<b>Aid Pending:</b>	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 March 27, 2025, MassHealth downgraded the appellant's benefits from MassHealth Standard to Health Safety Net after MassHealth determined that the appellant's household income exceeded the allowed threshold for MassHealth Standard. See 130 CMR 505.002; 130 CMR 506.002; 130 CMR 506.003; 130 CMR 506.007; and Exhibit 1. The appellant filed this appeal in a timely manner on April 4, 2025. See 130 CMR 610.015(B) and Exhibit 2. Any MassHealth decision to suspend, reduce, terminate, or restrict a member's assistance is valid grounds for appeal before the Board of Hearings. See 130 CMR 610.032(A)(3).

### Action Taken by MassHealth

MassHealth downgraded the appellant's benefits from MassHealth Standard to Health Safety Net after MassHealth determined that the appellant's household income exceeded the allowed threshold for MassHealth Standard.

### Issue

Whether MassHealth was correct in downgrading the appellant's benefits pursuant to 130 CMR 505.002; 130 CMR 506.002; 130 CMR 506.003; and 130 CMR 506.007.

## Summary of Evidence

All parties participated telephonically. MassHealth was represented by a worker from the Taunton MassHealth Enrollment Center. The appellant appeared with his spouse and verified his identity. The following is a summary of the testimony and evidence provided at the hearing:

The MassHealth representative testified that the appellant is an adult over the age of 65 who is a tax filer and resides in a household of five, including his spouse and three grandchildren. The appellant was on MassHealth Standard from May 1, 2020 to April 10, 2025 because the household income was below the MassHealth threshold, and he is a caretaker relative to his grandchildren. The MassHealth representative explained that the household income did not include the oldest grandchild's Social Security income. However, upon the oldest grandchild turning [REDACTED], his monthly Social Security income of \$332.00 was added to the household income. She stated that the appellant receives \$2,900.00 per month from Social Security, and his spouse receives \$1,200.00 per month from Social Security. Therefore, the total household income is \$4,432.00 per month. This amount exceeds the limit for MassHealth benefits.

She added that this figure equates to 139.61% of the federal poverty level (FPL) for a household of five which exceeds the limit for MassHealth Standard. The MassHealth representative stated that the income limit to receive MassHealth Standard is 133% of the FPL or \$4,173.00 for a household of five. A notice was issued on March 27, 2025, downgrading the appellant's MassHealth coverage from MassHealth Standard to Health Safety Net.

The appellant confirmed his household size, his Social Security income, and his spouse's Social Security income. However, he stated that his oldest grandchild has not received Social Security income since [REDACTED] because he did not enroll in college after graduating high school. He added that his grandchild does work part-time. He estimated that he has worked approximately 15 hours since January 2025 and that he gets paid \$15.00 per hour.

The MassHealth representative was able to successfully remove the grandchild's Social Security income from the system, but she stated that upon adding his employment income, the system suspended the account, and a redetermination is currently pending.

## Findings of Fact

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

1. The appellant is an adult over the age of 65 who is a tax filer and resides in a household of five, including his spouse and three grandchildren. (Testimony).

2. The appellant was on MassHealth Standard from May 1, 2020 to April 10, 2025 because the household income was below the MassHealth threshold, and he is a caretaker relative to his grandchildren. (Testimony and Exhibit 4).
3. Upon the oldest grandchild turning [REDACTED], his monthly Social Security income of \$332.00 was added to the household income. (Testimony).
4. On March 27, 2025, MassHealth downgraded the appellant's benefits from MassHealth Standard to Health Safety Net after MassHealth determined that the appellant's household income exceeded the allowed threshold for MassHealth Standard. (Testimony and Exhibit 1).
5. The appellant filed this appeal in a timely manner on April 4, 2025. (Exhibit 2).
6. At the hearing, the appellant verified his income of \$2,900.00 per month from Social Security. (Testimony).
7. The appellant verified his spouse's income of \$1,200.00 per month from Social Security. (Testimony).
8. The oldest grandchild no longer receives Social Security income, but he receives income from his part-time employment. (Testimony).
9. The total household income remained undetermined at the time of the hearing. (Testimony).

## Analysis and Conclusions of Law

MassHealth provides access to healthcare by determining eligibility for the coverage type that provides the most comprehensive benefits. See 130 CMR 501.003(A). MassHealth offers several coverage types. See 130 CMR 501.003(B). The coverage type for which an individual is eligible is based on their income and circumstances. Id.

Generally, MassHealth regulations at 130 CMR 505.000 explain the categorical requirements and financial standards that must be met to qualify for a particular MassHealth coverage type. To establish eligibility for MassHealth benefits, applicants must meet both the categorical requirements and financial standards.

These coverage types set forth at 130 CMR 505.001(A) are as follows:

- (1) MassHealth Standard - for people who are pregnant, children, parents and caretaker relatives<sup>1</sup>, young adults<sup>2</sup>, disabled individuals, certain persons who are HIV positive,

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<sup>1</sup> Caretaker relative is an adult who is the primary care giver for a child, is related to the child by

individuals with breast or cervical cancer, independent foster care adolescents, Department of Mental Health 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 21 through 64 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, CommonHealth, or CarePlus;

(5) MassHealth Limited - for certain lawfully present immigrants as described in 130 CMR 504.003(A), 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 eligibility requirements for caretaker relatives are set forth in 130 CMR 505.002(C) and are as follows:

(1) A parent or caretaker relative of a child younger than 19 years old is eligible for MassHealth Standard coverage if

(a) the modified adjusted gross income of the MassHealth MAGI household is less than or equal to 133% of the federal poverty level (FPL);

(b) the individual is a citizen as described at 130 CMR 504.002: U.S. Citizens or a qualified noncitizen as described in 130 CMR 504.003(A)(1): Qualified Noncitizens; and

(c) 1. the parent lives with their children, and assumes primary responsibility for the child's care, in the case of a parent who is separated or divorced, has custody of their children, or has children who are absent from home to attend school; or

2. the caretaker relative lives with children to whom they are related by blood, adoption, or marriage (including stepsiblings), or is a spouse or former spouse of one of those relatives, and assumes primary responsibility for the child's care if neither parent lives in the home.

(2) The parent or caretaker relative complies with 130 CMR 505.002(M).

In this case, the appellant is a caretaker relative of a child younger than 19, so he is categorically qualified for MassHealth Standard. See 130 CMR 505.001(A)(1); 130 CMR 505.002(C)(1). However,

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blood, adoption, or marriage, or is a spouse or former spouse of one of those relatives, and lives in the same home as that child, provided that neither parent is living in the home. See 130 CMR 501.001.

<sup>2</sup> “[Y]oung adults” are defined as those aged 19 and 20. See 130 CMR 501.001.

categorical qualification in and of itself is not enough. The appellant must also meet the financial standards as set forth in 130 CMR 505.002(C)(1)(a).

A caretaker relative who is categorically eligible for MassHealth Standard can only be financially eligible if “the modified adjusted gross income of the MassHealth MAGI household is less than or equal to 133% of the federal poverty level (FPL).” See 130 CMR 505.002(C)(1)(a).

To determine financial eligibility pursuant to 130 CMR 506.007(A), MassHealth must construct a household as described in 130 CMR 506.002(B) for each individual who is applying for or renewing coverage. MAGI household composition rules used to determine member eligibility are the following:

- (1) Taxpayers Not Claimed as a Tax Dependent on His or Her Federal Income Taxes. For an individual who expects to file a tax return for the taxable year in which the initial determination or renewal of eligibility is being made and who is not claimed as a tax dependent by another taxpayer, the household consists of
  - (a) the taxpayer; including his or her spouse, if the taxpayers are married and filing jointly regardless of whether they are living together;
  - (b) the taxpayer’s spouse, if living with him or her 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.

Here, the appellant testified and MassHealth verified that he lives in a household of five including his spouse and three grandchildren. He is the tax filer. Thus, for the purposes of this appeal, the appellant meets the MAGI rules for a household of five.

Once the individual’s household size is established, his MassHealth MAGI household income is determined in the following manner:

- (2)....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(K).
  - (b) Countable income includes earned income described in 130 CMR 506.003(A) and unearned income described in 130 CMR 506.003(B)<sup>3</sup> less deductions described in

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<sup>3</sup> Pursuant to 130 CMR 506.003(B), countable income includes, in relevant part, unearned income, which “may include, but is not limited to, social security benefits, railroad retirement benefits,

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.

See 130 CMR 506.007(A).

The MassHealth representative testified, and the appellant agreed that he receives \$2,900.00 per month from Social Security, and his spouse receives \$1,200.00 per month from Social Security. However, the appellant testified that his grandchild's Social Security income stopped in December 2023 because he did not enroll in college after graduating high school. He added that his grandchild works part-time and has some income from his employment. During the hearing, the MassHealth representative was able to remove the grandchild's Social Security income, but she stated that she was unable to complete a redetermination because the system suspended the account. She explained that it may take some time for the system to process the update, make a redetermination, and generate a new notice.

Based upon the conflict in the testimony offered by MassHealth and the appellant, and the unavailability of redetermination, this matter must be REMANDED to MassHealth to make a new eligibility determination.<sup>4</sup> MassHealth may request additional information as needed to redetermine eligibility.

## **Order for MassHealth**

Redetermine the appellant's eligibility consistent with this decision.

## **Implementation of this Decision**

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

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pensions, annuities, certain trusts, interest and dividend income, state or local tax refund for a tax you deducted in the previous year, and gross gambling income.”

<sup>4</sup> Any subsequent notices issued by MassHealth as results of its new eligibility determination will have their own appeal rights.

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Sharon Dehmand, Esq.  
Hearing Officer  
Board of Hearings

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