

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2506054
Decision Date:	5/15/2025	Hearing Date:	05/14/2025
Hearing Officer:	Thomas J. Goode		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Connie Dorvil, Tewksbury 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

Appeal Decision:	Denied	Issue:	Community Eligibility-under 65-Income
Decision Date:	5/15/2025	Hearing Date:	05/14/2025
MassHealth's Rep.:	Connie Dorvil	Appellant's Rep.:	Pro se
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 April 7, 2025, MassHealth notified Appellant that he is not MassHealth eligible due to income that exceeds program limits (130 CMR 505.001, 506.007, 505.008 and Exhibit 1). Appellant filed this appeal in a timely manner on April 16, 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 Appellant that he is not MassHealth eligible due to income that exceeds program limits.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 505.001, 505.008, 506.007 in determining that Appellant is not MassHealth eligible due to income that exceeds program limits.

Summary of Evidence

The MassHealth representative testified that Appellant is between [REDACTED] years of age and lives with his spouse in a household size of two non-disabled individuals. The MassHealth representative testified that Appellant has not been previously enrolled in a MassHealth program. Appellant and his spouse file taxes jointly. Appellant's Unemployment Benefits total \$1,051 weekly (Exhibit 4). Appellant's spouse reported self-employment income totaling \$1,768.75 per month. Total monthly household income is \$6,322.73, which MassHealth testified equates to 353% of the federal poverty level. Because Appellant is not otherwise categorically eligible for a MassHealth coverage type, and income exceeds program limits for CarePlus, Appellant's MassHealth application was denied.

Appellant verified household size and income and testified that his spouse no longer has self-employed income; however, the change in income has not been reported to MassHealth. Appellant stated that he will update his Unemployment Benefits in July 2025 when benefits terminate. Appellant added that he and his spouse are enrolled in a Connector Plan and intended to appeal the premium amount assessed for coverage. Appellant added that he was initially told that he was MassHealth eligible because his maximum Unemployment Benefits are \$27,326 for the benefit year (Exhibit 4).

Findings of Fact

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

1. Appellant is between [REDACTED] years of age.
2. Appellant lives with his spouse in a household size of two non-disabled individuals.
3. Appellant and his spouse file taxes jointly.
4. Appellant has not been previously enrolled in MassHealth coverage.
5. Appellant's Unemployment Benefits total \$1,051 weekly (Exhibit 4).
6. Appellant's spouse reported self-employment income totaling \$1,768.75 per month.
7. Total reported monthly household income is \$6,322.73.
8. 100% of the federal poverty level for a household of two is \$1,763.
9. 133% of the federal poverty level for a household of two is \$2,345.

10. Appellant is enrolled in a Health Connector plan.

Analysis and Conclusions of Law

MassHealth provides access to healthcare by determining eligibility for the coverage type that provides the most comprehensive benefits. (130 CMR 501.003(A)). MassHealth offers several coverage types. (130 CMR 501.003(B)). The coverage type for which an individual is eligible is based on their income and circumstances. (130 CMR 515.003(B)).

Regulation 130 CMR 505.000 explains the categorical requirements and financial standards that must be met to qualify for a MassHealth coverage type (130 CMR 505.001). As described in 130 CMR 505.001, the MassHealth coverage types are as follows:

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

Pursuant to 130 CMR 506.003, countable household 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. ^{1,2} Appellant did not testify to or document any of the

¹ See 130 CMR 506.003: Countable household 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). 130 CMR 506.003(B) Unearned Income.(1) Unearned income is the total amount of taxable income that does not directly result from the individual's own labor after allowable deductions on the U.S Individual Tax Return.(2) Unearned income may include, but is not limited to, social security benefits, railroad retirement benefits, 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.

allowable expenses under 506.003(D); however, Appellant can update changes in income and applicable expenses to MassHealth at any time. Income of all household members forms the basis for establishing an individual's eligibility (130 CMR 506.007). In determining monthly income for MassHealth purposes, the MassHealth agency multiplies average weekly income by 4.333. Five percentage points of the current federal poverty level (FPL) is subtracted from the applicable household total countable income to determine the eligibility of the individual under the coverage type with the highest income standard (130 CMR 506.007(A)). Appellant's Unemployment Benefits are countable unearned income and total \$1,051 weekly, which averages \$4,553.98 monthly. Appellant's spouse reported \$1,768.75 monthly self-employed income, which brings monthly household income to \$6,322.73, and places household income at 353.63% of the federal poverty level [$\$6,322.73 - \$88.15^3 = \$6,234.58$] [$\$6,234.58 \div \$1,763 = 353.63\%$]. MassHealth correctly determined that Appellant's countable income exceeds 133% of the federal poverty level for a household size of two [$\$2,345$] making Appellant ineligible for MassHealth CarePlus (130 CMR 505.008(A)).⁴ Because Appellant is not otherwise categorically

See also 130 CMR 506.004: Because of state or federal law the following types of income are noncountable in the determination of eligibility for individuals described at 130 CMR 506.002. Changes to state or federal law may affect whether the following remains noncountable: (A) TAFDC, EAEDC, or SSI income; (B) federal veteran benefits that are not taxable in accordance with IRS rules; (C) income-in-kind; (D) roomer and boarder income derived from persons residing in the applicant's or member's principal place of residence; (E) most workers' compensation income; (F) pretax contributions to salary reduction plans for payment of dependent care, transportation, and certain health expenses within allowable limits; (G) child support received; (H) alimony payments under separation or divorce agreements finalized after December 31, 2018, or pre-existing agreements modified after December 31, 2018. For individuals with alimony agreements finalized on or before December 31, 2018, alimony continues to be included in the income of the recipient for the duration of the agreement unless or until the agreement is modified; (I) taxable amounts received as a lump sum, except those sums that are counted in the month received; in the case of lottery or gambling winnings, those sums that are counted in the month or months required under federal law, including the Tax Cut and Jobs Act of 2017, Public Law 115-97; (J) money received for acting as a Parent Mentor as defined under section 1397 mm(f)(5) of chapter 42 of the United States Code of the Social Security Act; (K) income received by independent foster-care adolescents described at 130 CMR 505.002(H): *Eligibility Requirements for Former Foster-care Individuals*; (L) income from children and tax dependents who are not expected to be required to file a tax return under *Internal Revenue Code*, U.S.C. Title 26, § 6012(a)(1) for the taxable year in which eligibility for MassHealth is being determined, whether or not the children or the tax dependents files a tax return; and (M) any other income that is excluded by federal laws other than the Social Security Act.

² MassHealth allows the following deductions from countable income when determining MAGI: educator expenses; reservist/performance artist/fee-based government official expenses; health savings account; moving expenses; self-employment tax; self-employment retirement account; penalty on early withdrawal of savings; alimony paid to a former spouse; individual retirement account (IRA); student loan interest; and higher education tuition and fees. 130 CMR 506.003(D).

³ 5% of \$1,763.

⁴ 130 CMR 505.008(A) Overview.

(1) 130 CMR 505.008 contains the categorical requirements and financial standards for MassHealth CarePlus. This coverage type provides coverage to adults [REDACTED] years old.

(2) Persons eligible for MassHealth CarePlus Direct Coverage are eligible for medical benefits, as described in 130 CMR 450.105(B): *MassHealth CarePlus* and 130 CMR 508.000: *MassHealth: Managed Care Requirements* and must meet the following conditions.

eligible for a MassHealth coverage type, MassHealth correctly denied coverage by notice dated April 7, 2025.⁵ Appellant can direct any questions about the Health Connector to 1-877-623-6765.

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.

Thomas J. Goode
Hearing Officer
Board of Hearings

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

-
- (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.

⁵ The April 7 2025 notice is specific to Appellant's eligibility and does not address his spouse's eligibility which is not addressed in this hearing decision.