

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2506394
<b>Decision Date:</b>	7/14/2025	<b>Hearing Date:</b>	5/28/2025
<b>Hearing Officer:</b>	Patrick Grogan	<b>Record Open to:</b>	6/6/25

**Appearance for Appellant:**



**Appearance for MassHealth:**

Simon Poon, MassHealth Charlestown

**Interpreter:**

N/A



*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>	Denied	<b>Issue:</b>	Eligibility under 65, Income
<b>Decision Date:</b>	7/14/2025	<b>Hearing Date:</b>	05/28/2025
<b>MassHealth's Rep.:</b>	Simon Poon	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Remote (Tel)	<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 April 22, 2025, MassHealth approved the Appellant for Health Safety Net, but denied the Appellant's application for MassHealth benefits because MassHealth determined that the Appellant's income was too high. (Exhibit 1). The Appellant filed this appeal in a timely manner on April 22, 2025. (130 CMR 610.015(B); Exhibit 2). Denial of assistance is valid grounds for appeal (130 CMR 610.032).

### Action Taken by MassHealth

MassHealth approved the Appellant for Health Safety Net but determined that the Appellant is not eligible for MassHealth because the Appellant had more countable income than MassHealth Regulations allow.

### Issue

The appeal issue is whether MassHealth was correct in determining that the Appellant was over income to qualify for MassHealth benefits.

## Summary of Evidence

MassHealth testified that the Appellant is an adult under the age 65, who is a parent, and who lives in a household of four. (Testimony) MassHealth testified there was no disability attributed to the Appellant. (Testimony) MassHealth testified that the Appellant's income from employment totaled \$2,800 gross biweekly, equating to \$6,067 monthly, exceeding the limit for MassHealth Standard. (Testimony). MassHealth explained that in 2025, for a family of 4, 133% of the Federal Poverty Level (FPL) is \$3,564 monthly.

The Appellant explained that she is a single parent, and the father of the children is currently in arrears of child support in an amount exceeding \$40,000. (Testimony).<sup>1</sup> The Appellant submitted multiple bills, showing balances due on the mortgage, due to the electric company, as well as court default judgments against the Appellant.(Exhibit 5) The Appellant stated she was seeking consideration beyond the income limits set within the Regulations regarding eligibility determinations. (Testimony) MassHealth responded that there may be a waiver or hardship programs available. (Testimony). Neither party could provide any citation to any authority to support the Appellant's request. (Testimony)

The Record was left open until June 6, 2025, for the parties to research the issue of a waiver or hardship programs within the MassHealth regulations to circumvent the eligibility income limitations explicitly included within the Regulations. (Exhibit 6) On May 30, 2025, MassHealth responded that after consultation with a manager, MassHealth would not be able to extend the range of the household FPL in order to approve the Appellant for MassHealth benefits. (Exhibit 7). MassHealth provided the Appellant with a ConnectorCare Hardship Waiver. (Exhibit 7) Nothing was received on behalf of the Appellant upon expiration of the Record Open Period.

## Findings of Fact

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

1. Appellant is an adult, under the age of 65, has no disability attributed, is a parent/caretaker, and lives in a household of four. (Testimony).
2. The Appellant has a gross monthly income of \$6,067. (Testimony)

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<sup>1</sup> The MassHealth representative clarified that the Appellant's countable income does not include child support payments.

3. For 2025, 133% of the Federal Poverty Level is \$3,564 a month for a household of four. (2025 MassHealth Income Standards and Federal Poverty Guidelines).
4. On May 30, 2025, MassHealth responded that after consultation with a manager, MassHealth would not be able to extend the range of the household FPL in order to approve the Appellant for MassHealth benefits. (Exhibit 7).

## Analysis and Conclusions of Law

The Appellant challenges MassHealth's determination that the Appellant's income is too high for MassHealth benefits. (Exhibit 1, Exhibit 2) MassHealth Regulations at 505.001 describe MassHealth coverage types:

### **505.001: Introduction**

130 CMR 505.000 explains the categorical requirements and financial standards that must be met to qualify for a MassHealth coverage type. The rules of financial responsibility and calculation of financial eligibility are detailed in 130 CMR 506.000: Health Care Reform: MassHealth: Financial Requirements.

(A) The MassHealth coverage types are the following:

- (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 21 through 64 years old who are not eligible for MassHealth Standard;
- (4) MassHealth Family Assistance S 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.

MassHealth utilizes countable household income, subtracting specific enumerated deductions in calculating income attributed to an applicant as codified within 130 CMR 506.003:

**506.003: Countable Household Income**

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).

**(A) Earned Income.**

(1) Earned income is the total amount of taxable compensation received for work or services performed less pretax deductions. Earned income may include wages, salaries, tips, commissions, and bonuses.

(2) Earned taxable income for the self-employed is the total amount of taxable annual income from self-employment after deducting annual business expenses listed or allowable on a U.S. Individual Tax Return. Self-employment income may be a profit or a loss

(3) Earned income from S-Corporations or Partnerships is the total amount of taxable annual profit (or loss) after deducting business expenses listed or allowable on a U.S. Individual Tax Return.

(4) Seasonal income or other reasonably predictable future income is taxable income derived from an income source that may fluctuate during the year. Annual gross taxable income is divided by 12 to obtain a monthly taxable gross income with the following exception: if the applicant or member has a disabling illness or accident during or after the seasonal employment or other reasonably predictable future income period that prevents the person's continued or future employment, only current taxable income will be considered in the eligibility determination.

**(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.

**(C) Rental Income.**

Rental income is the total amount of taxable income less any

deductions listed or allowable on an applicant's or member's U.S. Individual Tax Return.

(D) Deductions.

Under federal law, the following deductions are allowed when calculating MAGI countable income. Changes to federal law may impact the availability of these deductions:

- (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.

MassHealth's calculus for determining financial eligibility is codified within the Regulations at 130 CMR 506.007:

**506.007: Calculation of Financial Eligibility**

The rules in 130 CMR 506.003 and 506.004 describing countable income and noncountable income apply to both MassHealth MAGI households and MassHealth Disabled Adult households.

(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.

(B) The financial eligibility standards for each coverage type may be found in 130 CMR 505.000: Health Care Reform: MassHealth: Coverage Types.

The Appellant is an adult under the age of 65, who is not disabled, who is a parent and who resides in a household of four. The applicable MassHealth benefit program for an adult, under the age of 65, who is not disabled, who is a parent, is MassHealth Standard. MassHealth Standard's requirement for eligibility is codified within the Regulations at 130 CMR 505.002:

505.002: MassHealth Standard

(A) Overview.

(1) 130 CMR 505.002 contains the categorical requirements and financial standards for MassHealth Standard serving children, young adults, parents, caretaker relatives, people who are pregnant, disabled individuals, certain individuals with breast or cervical cancer, certain individuals who are HIV positive, independent foster-care adolescents, Department of Mental Health members, and medically frail as such term

is defined in 130 CMR 505.008(F).

Additionally, 130 CMR 505.002(C) delineates the eligibility requirements for parents and caretaker relatives:

505.002: MassHealth Standard

(C) Eligibility Requirements for Parents and Caretaker Relatives.

(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 have 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).

The Appellant has the burden "to demonstrate the invalidity of the administrative determination." Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228. See also Fisch v. Board of Registration in Med., 437 Mass. 128, 131 (2002); Faith Assembly of God of S. Dennis & Hyannis, Inc. v. State Bldg. Code Commn., 11 Mass. App. Ct. 333, 334 (1981); Haverhill Mun. Hosp. v. Commissioner of the Div. of Med. Assistance, 45 Mass. App. Ct. 386, 390 (1998).

In order for the Appellant to be deemed eligible for MassHealth Standard, the Appellant's modified adjusted gross income of the MassHealth MAGI household must be less than or equal to 133% of the federal poverty level (FPL). The Appellant lives in a household of four and has a gross monthly income of \$6,067.00.

The Appellant's gross monthly income was calculated by dividing the Appellant's biweekly income of \$2,800.00 by 2, which equates to \$1,400.00 a week, multiplied by 4.333, equaling \$6,067.00 gross monthly income. Pursuant to 130 CMR 506.007(A)(3), 5 percentage points of the current FPL is deducted to determine countable income. For a household of four, 5 percentage points of the current FPL equals \$134. Accordingly, the Appellant's countable



income is \$5,933.00.

For 2025, 133% of the Federal Poverty Level is \$3,564.00 a month for a household of four. (2025 MassHealth Income Standards and Federal Poverty Guidelines). The Appellant's income exceeds this amount. The Appellant has not met the burden, by a preponderance of evidence, to show that MassHealth's administrative determination is invalid. Accordingly, this appeal is DENIED.

## **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.

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Patrick Grogan  
Hearing Officer  
Board of Hearings

MassHealth Representative: Thelma Lizano, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129