

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2507072
Decision Date:	7/21/2025	Hearing Date:	06/12/2025
Hearing Officer:	Christopher Jones		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Chanthy Kong – Tewksbury HCR



*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; Immigration
Decision Date:	7/21/2025	Hearing Date:	06/12/2025
MassHealth's Rep.:	Chanthy Kong	Appellant's Rep.:	Pro se
Hearing Location:	Virtual - Teams	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 3, 2025, MassHealth approved the appellant for Health Safety Net and a ConnectorCare plan through the Massachusetts Health Connector. (Exhibit 1; 130 CMR 506.007(B); 130 CMR 504.000.) The appellant filed this appeal in a timely manner on May 5, 2025. (Exhibit 2; 130 CMR 610.015(B).) Denial of assistance is valid grounds for appeal. (130 CMR 610.032.)

Action Taken by MassHealth

MassHealth terminated the appellant's Limited benefits and approved her for partial Health Safety Net and ConnectorCare coverage.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 504.000; 505.000; and 506.000, in determining that the appellant is not eligible for MassHealth benefits based upon her immigration status and income.

Summary of Evidence

MassHealth's representative testified that the appellant has a household of 2, with her husband. The appellant is between the ages of [REDACTED]. The appellant's husband verified his employment income as \$4,638.23 per month. The federal poverty level for a household of 2 is \$1,763, and the appellant's household is equivalent to 258%. MassHealth's representative confirmed that the appellant is verified as disabled, but she does not have a current immigration status. MassHealth's representative testified that she is not eligible for any MassHealth coverage based upon her income and her immigration status. MassHealth's representative testified that the appellant was approved for the Health Safety Net and is eligible to purchase insurance through the Health Connector.

The appellant testified that she came to the [REDACTED] on a visa, and she has since overstayed her visa. She testified that she cannot return to her home country lest she be subjected to physical and emotional violence from her family. The appellant has a pending application for a Legal Permanent Resident card, but it has not been finalized. The appellant suffers from multiple complex medical conditions. She had been covered by MassHealth Limited, which was accepted by the hospital at which she received care. She is now covered by an insurance plan purchased through the Health Connector, but this plan is not accepted by the hospital at which she had been receiving treatment. The appellant was looking to return to MassHealth coverage, even Limited coverage, so that she could continue receiving care with the same providers. The appellant confirmed that she was not pregnant.

Findings of Fact

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

- 1) The appellant is under the age of [REDACTED] and she is disabled. (Testimony by MassHealth's representative; Exhibit 4.)
- 2) The appellant lives her husband and has a household of 2. The appellant's husband earns \$4,638.23 per month in gross income. (Testimony by MassHealth's representative.)
- 3) The appellant entered the [REDACTED] on a visa, but she has since overstayed her visa. The appellant has a pending application for Legal Permanent Residency, but it has not yet been finalized. (Testimony by the appellant.)

Analysis and Conclusions of Law

MassHealth offers a variety of coverage types based upon an individual's circumstances and finances. To qualify for MassHealth, an individual must fit into a category of eligibility and fall below a certain financial threshold. A preliminary step in determining an individual's eligibility for

MassHealth coverage is determining their immigration status. MassHealth categorizes individuals as: "Lawfully Present Immigrants," who may be "Qualified Noncitizens," "Qualified Noncitizens Barred," or "Nonqualified Individuals Lawfully Present"; "Protected Noncitizens ... who were receiving medical assistance ... on June 30, 1997"; "Nonqualified Persons Residing under Color of Law (Nonqualified PRUCOLs)," who are individuals that have a case being tracked by the Department of Homeland Security, such as noncitizens granted Deferred Action for Childhood Arrivals; and "Other Noncitizens." (130 CMR 504.003.)

The appellant's only immigration category is as an "Other Noncitizen."

(D) Other noncitizens may receive the following coverage:

(1) MassHealth Standard, if they are pregnant and meet the categorical requirements and financial standards as described in 130 CMR 505.002: *MassHealth Standard*;

(2) MassHealth Limited, if they meet the categorical requirements and financial standards as described in 130 CMR 505.006: *MassHealth Limited*; and

(3) 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)*.

MassHealth Limited is available for "adults [REDACTED] years old who are ... adults with modified adjusted gross income of the MassHealth MAGI household that is less than or equal to 133% of the FPL" (130 CMR 505.006(B)(1)(a)4.)

MAGI household income includes

(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.

(130 CMR 506.003(A)(1)-(2).)

Income is included for everyone in the member's household. There are "MAGI Households" and "Disabled Adult Households." MAGI households are based upon the tax filing status of the household. Spouses are included in the MAGI Household if either "the taxpayers are married and filing jointly regardless of whether they are living together," or the taxpayer and their spouse are

living together, “regardless of filing status.” (130 CMR 506.002(B)(1)(a)-(b).) A spouse is also included in a Disabled Adult Household if they are living together. (130 CMR 506.002(C)(2).)

Monthly income is derived by multiplying average weekly income by 4.333, and “[f]ive 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.” (130 CMR 506.007(A).)

The appellant does not dispute her immigration status or that her countable MAGI income is above 133% of the federal poverty level. Because the appellant’s income is over 133% of the federal poverty level, and she is an “Other Noncitizen,” MassHealth was correct that she is ineligible for any coverage. 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.

Christopher Jones
Hearing Officer
Board of Hearings

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