

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2507330
Decision Date:	09/04/2025	Hearing Date:	07/18/2025
Hearing Officer:	Christopher Jones		

Appearance for Appellant:
Pro se

Appearances for MassHealth:
Liz Nickoson – Taunton HCR
Katrina Dunn – Taunton Ongoing



*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:	09/04/2025	Hearing Date:	07/18/2025
MassHealth’s Reps.:	Liz Nickoson; Katrina Dunn	Appellant’s Rep.:	Pro se
Hearing Location:	Telephonic	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 18, 2025, MassHealth informed the appellant that he is “no longer eligible for an MSP because your countable income is over the limit,” and MassHealth stopped paying his Medicare premium effective May 1, 2025. (Exhibit 1.) The appellant filed a timely appeal on May 9, 2025. (Exhibit 1; 130 CMR 610.015(B).) Termination of assistance is valid grounds for appeal. (130 CMR 610.032.)

The appeal was originally scheduled for June 13, 2025. (Exhibit 2.) This matter was rescheduled at the appellant’s request. ([See Exhibit 3.](#))

Action Taken by MassHealth

MassHealth ended the appellant’s Medicare Savings Program (MSP) benefit because his household income is too high.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 519.010 – 519.011, in determining that the appellant’s household income is too high to qualify for an MSP benefit.

Summary of Evidence

The appellant is under the age of 65, and he has been deemed disabled through the Social Security Administration since 2014. The appellant lives with his spouse, and he has a son who [REDACTED] moving away to college. The only income MassHealth has for the household is the appellant's wife's gross, bi-weekly income of \$2,213.11. MassHealth calculated the monthly household income to be \$4,795.81. At the hearing, MassHealth's representative testified that this equated to 289% of the federal poverty level. The appellant is approved for the CommonHealth benefit with a monthly premium of \$67.60.

MassHealth's representative from the over-65 department testified that the Medicare Savings Programs (MSP) benefit is only available for individuals on Medicare with income below 225% of the federal poverty level. Furthermore, MassHealth's representative testified that MSP benefits are only available for individuals on CommonHealth with income below 135% of the federal poverty level. MassHealth's representative testified that the appellant's household income is too high for him to qualify for the MSP program even if he withdrew from the CommonHealth benefit.

The appellant was upset that MassHealth allowed the MSP benefit for 4 months before suddenly stopping it. The appellant testified that keeping his Medicare premium each month was a big help for his household finances, especially since his son is going to college. The appellant's child's SSI benefits were being stopped because he was moving out to go to college. The appellant testified that the household finances are being squeezed by both the reduction in SSI and the increase in Medicare premiums. The appellant confirmed that his son is [REDACTED] but he will not be living at home while he is in college.

MassHealth's representatives were unable to see any reason within the last year by which the appellant would have been eligible for both CommonHealth and MSP coverage. The appellant's household income has been the same for the last year. MassHealth's representatives confirmed that there have been a variety of computer system stopgaps in place over the last few years that have protected benefits for which members may not have been eligible. MassHealth was also navigating changes to the MSP benefit with the Centers for Medicare and Medicaid (CMS). MassHealth's best guess was that the appellant was erroneously approved for MSP benefits before the final guidance from CMS was received.

The appellant did not think that these rules made sense. The appellant also testified that his own Social Security benefits were SSI benefits because he had not worked enough quarters to qualify for SSDI before he was disabled. MassHealth's under-65 representative confirmed that the appellant's income is not being counted in his household income. MassHealth's over-65 representative confirmed that it would be counted in the appellant's household income if he were applying for an over-65 benefit.

Findings of Fact

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

- 1) The appellant is under the age of 65. The appellant lives with his wife. The appellant's son is [REDACTED] living away at college. (Testimony by the appellant.)
- 2) The appellant's wife earns gross, bi-weekly income of \$2,213.11. (Testimony by MassHealth's representatives.)
- 3) The appellant is disabled, and he receives SSI benefits that are not being counted toward his household income. (Testimony by the appellant and MassHealth's representatives.)

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 the relevant financial thresholds. Financial eligibility is "determined by comparing the sum of all countable income ... for the individual's household ... with the applicable income standard for the specific coverage type." (130 CMR 505.007(A).) The appellant is covered by MassHealth CommonHealth, pursuant to 130 CMR 505.004(B) or (C).¹ MassHealth uses the "Disabled Adult household composition rules" in calculating household income for "MassHealth CommonHealth, as described in 130 CMR 505.004(B) through (E)" (130 CMR 505.002(A)(2), (b).)

A Disabled Adult household consists of: "the individual"; "the individual's spouse if living with them"; and any children "younger than 19 years old if living with them," including unborn children. (130 CMR 505.0002(C).) "Countable Household Income" includes the total amount of taxable income received by everyone in a member's household "after allowable deductions on the U.S Individual Tax Return." (130 CMR 506.003(B); see also 130 CMR 506.002.) "SSI income" is noncountable pursuant to 130 CMR 506.004(A). 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's Disabled Adult household only includes himself and his spouse, as long as his child is living away from home.² The federal poverty level for a household of 2 in 2025 is \$1,763 per month. Five percent of the federal poverty level is \$88.15. The appellant's wife earns \$2,213.11 every two weeks. When divided by 2, and multiplied by 4.333, this equates to \$4,794.70 each

¹ These are the only CommonHealth benefits available to adults between the ages of 21 and 64.

² The appellant's child will be excluded from the Disabled Adult household after he turns 19 years old, regardless of where he lives.

month. Reduced by \$88.15, the appellant's household countable income is \$4,706.55, which equates to 266.96% of the federal poverty level.

I am unable to reproduce MassHealth's federal poverty level equivalence. MassHealth quoted higher monthly income than I calculated—\$4,795.81. Even if this is compared to the 2024 federal poverty guidelines for a household of 2, the federal poverty equivalence is 281% of the federal poverty level, not 289%. This discrepancy is irrelevant to whether the appellant is eligible for a Medicare Savings Program benefit.

Medicare recipients may qualify for a Medicare Savings Program (MSP) with income at or below 225% of the federal poverty level. (See 130 CMR 519.010-519.011.) MassHealth refers to these benefits as "Buy-in" benefits, and the amount of assistance provided depends on the member's income. Individuals with income below 190% of the federal poverty level are eligible for the MSP – Qualified Medicare Beneficiaries (QMB). (130 CMR 519.010.) However, CommonHealth members are only eligible for the MSP – Qualifying Individuals (QI),³ and only with income at or below 135% of the federal poverty level. (130 CMR 519.012(D)(1); see also EOM 23-04 (Feb. 2023).)

There is no dispute that the appellant's household income is over 135% of the federal poverty level, and the appellant is ineligible for both CommonHealth and MSP. Therefore, this appeal must be DENIED.

The appealed notice did not calculate the appellant's CommonHealth premium, but the \$67.60 premium quoted by MassHealth is only correct if the appellant's household income is 280%-289% of the federal poverty level. (See 130 CMR 506.011(B)(2)(b)-(c).) As such, MassHealth is ordered to recalculate the appellant's CommonHealth premium. MassHealth may use whatever verified income it has for the appellant's household, but the appellant shall have the opportunity to file a new hearing request on MassHealth's calculation to contest his ongoing monthly premium.

Order for MassHealth

Recalculate the appellant's CommonHealth premium based upon verified income information.

³ The MSP—QI benefit only pays for the Medicare Part B premium. There is no additional assistance with copays, coinsurance, and deductibles. (130 CMR 519.011(B)(2).)

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.

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.

Christopher Jones
Hearing Officer
Board of Hearings

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780