

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Approved in part Denied in part	<b>Appeal Number:</b>	2507359
<b>Decision Date:</b>	8/5/2025	<b>Hearing Date:</b>	06/11/2025
<b>Hearing Officer:</b>	Kenneth Brodzinski		

**Appearance for Appellant:**

Pro se

**Appearance for MassHealth:**

Eric Mattos



*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>	Approved in part Denied in part	<b>Issue:</b>	Community Eligibility
<b>Decision Date:</b>	8/5/2025	<b>Hearing Date:</b>	06/11/2025
<b>MassHealth's Rep.:</b>	Eric Mattos	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Springfield MEC		

### 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 May 2, 2025, MassHealth determined that Appellant does not qualify for Masshealth benefits (Exhibit A). Appellant filed for this appeal in a timely manner on May 9, 2025 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

### Action Taken by MassHealth

MassHealth determined that Appellant does not qualify for Masshealth benefits.

### Issue

The appeal issue is whether MassHealth properly applied the controlling regulation(s) to accurate facts when it determined that Appellant does not qualify for Masshealth benefits.

## Summary of Evidence

The hearing was conducted in person at the Springfield MassHealth Enrollment Center.

The MassHealth representative testified that Appellant was previously on MassHealth CommonHealth as a disabled adult; however, a recent federal match showed that Appellant no longer qualified for disability benefits through the federal Social Security Administration (SSA). MassHealth then determined that Appellant's gross countable monthly household income of \$4,709.00 constitutes 170.77% of the federal poverty level which exceeds the MassHealth eligibility limit for an adult residing in the community in a household of four. Masshealth also determined that Appellant is eligible for partial Health Safety Net.

The MassHealth representative also noted that Appellant has filed a MassHealth Adult Disability Supplement with the Disability Evaluation Services (DES), but a determination has yet to be made.

Appellant did not dispute his income or household size. Appellant asserted that he remains disabled and has been disabled since being injured in an automobile accident in 2004. Appellant explained that he lost his federal disability benefits because of his earned income. Appellant testified that while he does work, he does so with a degree of accommodation from his current employer that he would not likely receive from other employers. Appellant noted that he has an upcoming consultative examination relative to his current disability application with DES.

The hearing officer noted that Appellant was not granted AID PENDING status (forestalling the change in benefits until resolution of this appeal). There was a discussion with the MassHealth representative as to why this did not happen and it was discovered that MassHealth had failed to issue a notice informing Appellant that his CommonHealth benefits would be terminating because he was no longer deemed disabled for MassHealth eligibility purpose. After the hearing, MassHealth agreed to place Appellant back on CommonHealth until DES made its disability determination.

## Findings of Fact

Based on a preponderance of the evidence, this record supports the following findings:

1. Appellant was previously on MassHealth CommonHealth as a disabled adult; however, a recent federal match showed that Appellant no longer qualified for disability benefits through the federal Social Security Administration (SSA).
2. MassHealth then determined that Appellant's gross countable monthly household income of \$4,709.00 constitutes 170.77% of the federal poverty level which exceeds the MassHealth eligibility limit for an adult residing in the community in a household of four.

3. Masshealth also determined that Appellant is eligible for partial Health Safety Net.
4. Appellant has filed a MassHealth Adult Disability Supplement with the Disability Evaluation Services (DES), but, by the date of hearing, a determination had yet to be made.
5. Appellant was determined to be disabled by SSA after being injured in an automobile accident in 2004.
6. Appellant lost his SSA disability benefits because of his earned income.
7. MassHealth failed to issue a notice informing Appellant that his CommonHealth benefits would be terminating because he was no longer deemed disabled for MassHealth eligibility purpose.
8. After the hearing, MassHealth placed Appellant back on CommonHealth until DES made its disability determination.

## **Analysis and Conclusions of Law**

The party appealing an administrative decision bears the burden of demonstrating the decision's invalidity (*Merisme v. Board of Appeals of Motor Vehicle Liability Policies and Bonds*, 27 Mass. App. Ct. 470, 474 (1989)).

Appellant did not dispute his gross countable monthly income or household size. MassHealth correctly determined that Appellant does not qualify for MassHealth Standard benefits as a non-disabled adult with gross countable monthly income equal to 170.77% of the federal poverty level for a household of four (130 CMR 506.002 and 505.002(C)).

In order to be considered disabled for MassHealth eligibility purposes, Appellant must have a determination from SSA that he is disabled or must be determined disabled by MassHealth through its own disability determination process conducted by DES (130 CMR 505.004(C) and 501.001). Appellant has applied for a MassHealth determination. Appellant may, if he is able to do so, obtain a written statement from SSA that he remains disabled despite no longer being eligible for SSA disability benefits due to his earned income. Until such a statement is filed or a positive disability determination is made by DES, Appellant remains a non-disabled adult for MassHealth eligibility purposes.

For the foregoing reasons, the appeal is denied as to MassHealth currently assessing Appellant as a non-disabled adult, but approved for keeping Appellant's CommonHealth benefits in place until either a DES determination is made or a statement from SSA confirming that Appellant remains

disabled for SSA purposes is filed.

## **Order for MassHealth**

Keep Appellant's CommonHealth benefits in place until either a DES determination is made or a statement from SSA confirming that Appellant remains disabled for SSA purposes is filed.

## **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.

## **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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Kenneth Brodzinski  
Hearing Officer  
Board of Hearings

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104, 413-785-4186