

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied; Dismissed	Appeal Number:	2507878
Decision Date:	8/6/2025	Hearing Date:	06/30/2025
Hearing Officer:	Christopher Jones		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Ryan Bond – 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; Dismissed	Issue:	Community Eligibility - under 65; Income; Coverage start date
Decision Date:	8/6/2025	Hearing Date:	06/30/2025
MassHealth's Rep.:	Ryan Bond	Appellant's Rep.:	Pro se
Hearing Location:	Telephonic	Aid Pending:	Yes

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 19, 2025, MassHealth terminated the appellant's CarePlus benefits based upon updated income information. (Exhibit 1; 130 CMR 505.000; 506.001 - .004.) The appellant filed this timely appeal on May 20, 2025, and his benefits were protected pending the outcome of this appeal. (Exhibit 2; 130 CMR 610.015(B); 610.036.) The termination of assistance is valid grounds for appeal. (130 CMR 610.032.)

The appellant also sought to review his eligibility for benefits between December 3, 2023, and May 11, 2024. This issue is not timely appealed, as will be discussed below.

Action Taken by MassHealth

MassHealth terminated the appellant's CarePlus coverage based upon a reported income change.

Issue

The appeal issues are: (1) whether the appellant is currently eligible for MassHealth benefits given his income, pursuant to 130 CMR 505.000 and 506.000; and (2) whether this appeal may appeal a gap in coverage from 2023 and 2024.

Summary of Evidence

MassHealth's representative testified that the appellant's current eligibility was due to income reported on May 19, 2025. The appellant has a household size of 1, and he is between the ages of [REDACTED]. The appellant reported a weekly gross employment income of \$525. MassHealth calculated the appellant's income to be equivalent to 169.43% of the federal poverty level, which made him eligible for the Health Safety Net and assistance purchasing insurance through the Health Connector. Historically, MassHealth's representative testified that the appellant had a gap in his MassHealth coverage from December 3, 2023, through May 11, 2024. This gap in coverage arose following a termination notice dated November 19, 2023, for failing to renew eligibility. The appellant completed the renewal on May 21, 2024.

The appellant testified that his current job is temporary, and he believed that it should be treated as seasonal. The appellant did not testify as to how long this job would last, only that he knew it would be ending. It was suggested that the appellant update MassHealth once his job ended, and MassHealth would redetermine his eligibility based upon income from his next job or unemployment benefits.

The appellant's real dispute was with the gap in coverage from December 3, 2023, to May 11, 2024. The appellant testified that he was homeless at the time, and he did not receive the notice asking him to renew or the notice terminating his coverage. The appellant testified that he has bad credit now because he has unpaid ambulance bills arising from this gap in coverage. The appellant feels that MassHealth should help him with these bills because he was eligible at the time and he did not ask for the ambulance ride. The appellant testified that he would have contacted MassHealth during the gap if anyone had told him he was not covered at the time.

It was noted that this gap in coverage was over a year old. The appellant was asked when he first contacted the Board of Hearings, and he confirmed that it was May 20, 2025, when he filed this appeal. The appellant testified that no one told him he could have appealed back in May 2024 when he renewed his MassHealth benefits. The appellant testified that he did not know he owed anything for the ambulance until months later when he started receiving bills.

Findings of Fact

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

- 1) The appellant has an individual household, and he is between the ages of [REDACTED] (Testimony by MassHealth's representative.)
- 2) On May 19, 2025, the appellant reported a weekly gross income of \$525. (Testimony by MassHealth's representative.)

- 3) MassHealth terminated the appellant's CarePlus benefits based upon his income. (Exhibit 1.)
- 4) The appellant has a gap in MassHealth coverage between December 3, 2023, and May 11, 2024. This gap arose following a termination notice dated November 19, 2023. (Testimony by MassHealth's representative.)
- 5) The appellant filed a fair hearing request on May 20, 2025. (Exhibit 2.)

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).) Generally, applicants between the ages of [REDACTED] who seek MassHealth CarePlus benefits must have a countable income under 133% of the federal poverty level. (130 CMR 505.008(A).)

For individuals under the age of [REDACTED] countable 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," and specifically includes "social security benefits." (130 CMR 506.003(B); see also 130 CMR 506.002.) 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).)

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.

(130 CMR 506.003(A)(4).)

The federal poverty level for an individual in 2025 is \$1,305 per month. Five percent of the federal poverty level is \$65.25. The appellant reported weekly income of \$525. This equates to countable monthly income of \$2,209.57, which is 169.3% of the federal poverty level for an individual. The appellant argues that his job is temporary and should be treated as seasonal. However, MassHealth can only consider income as seasonal when the gross taxable annual income can be reasonably

predicted. The appellant did not present details regarding how long his job would last, and he did not identify any means of reasonably projecting his income for the year based upon his current. If the appellant feels his income is going to be reasonably similar to last year's income, he can update his financial verifications using his 2024 tax return. (See 130 CMR 506.005(B).)

Because the appellant's current income is over 133% of the federal poverty level, MassHealth was correct to terminate the appellant's CarePlus benefits. (130 CMR 505.008.) This aspect of the appeal is DENIED.

The appellant's remaining dispute is regarding the gap in his coverage from December 3, 2023, to May 11, 2024. This gap in coverage arises from a termination notice dated November 19, 2023. The appellant testified that the first fair hearing request he filed was on May 20, 2025. This is a span of 548 days.

(B) Time Limitation on the Right of Appeal. The date of request for a fair hearing is the date on which BOH receives such a request in writing. BOH must receive the request for a fair hearing within the following time limits:

(1) **60 days after an applicant or member receives written notice from the MassHealth agency of the intended action.** Such notice must include a statement of the right of appeal and the time limit for appealing. In the absence of evidence or testimony to the contrary, **it will be presumed that the notice was received on the fifth day after mailing;**

(130 CMR 610.015(B).)

There is an extended 120-day timeframe for appeals where MassHealth "fails to act on an application; ... fails to act on [a request for services]; ... fails to send written notice of the action; or" the date on which it is alleged that a MassHealth employee has coerced or otherwise improperly deterred the member from filing an appeal. (130 CMR 610.015(B)(2).) Appeals must be dismissed where "the request is not received within the time frame specified in 130 CMR 610.015." (130 CMR 610.035(A)(1).) This appeal must therefore be DISMISSED with regards to MassHealth's termination of benefits on December 3, 2023, and the following gap in coverage.

Order for MassHealth

Remove Aid Pending.

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