

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2509767
Decision Date:	9/8/2025	Hearing Date:	8/08/2025
Hearing Officer:	Patrick Grogan	Record Open to:	N/A

Appearance for Appellant:



Appearance for MassHealth:

Chantal Centeio, MassHealth Quincy

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

Appeal Decision:	Denied	Issue:	Eligibility Under 65, Start Date
Decision Date:	9/8/2025	Hearing Date:	8/08/2025
MassHealth's Rep.:	Chantal Centeio	Appellant's Rep.:	[REDACTED]
Hearing Location:	Remote (MSTeams)	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 June 30, 2025, MassHealth approved the Appellant's application for MassHealth benefits beginning June 20, 2025. (see 130 CMR 502.006 and Exhibit 1) The Appellant filed this appeal in a timely manner on June 30, 2025. (see 130 CMR 610.015(B) and Exhibit 2) Imposition of a coverage date is a MassHealth action and is valid grounds for appeal (see 130 CMR 610.032(3)).

Action Taken by MassHealth

MassHealth approved the Appellant's application for MassHealth benefits beginning June 30, 2025. (see 130 CMR 502.006 and Exhibit 1).

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 502.006, in determining that the Appellant's MassHealth coverage begins June 30, 2025. (see 130 CMR 502.006 and Exhibit 1)

Summary of Evidence

The Appellant is a MassHealth member under the age of 65 who applied for MassHealth benefits. (Testimony) The Appellant had been receiving MassHealth benefits, however, on April 14, 2025, the Appellant was sent a job update form, which was to be returned by May 15, 2025. (Testimony). The Appellant's residence is [REDACTED] (Appellant's residence), which the Appellant confirmed at Hearing. (Testimony, Exhibit 1, Exhibit 2, Exhibit 3, Exhibit 4) MassHealth testified that the job update form was not received, and the Appellant was sent a Notice of Termination dated May 20, 2025. (Testimony) (Testimony) A Notice of Termination was mailed to the Appellant's residence. (Testimony) MassHealth testified that an update, which was treated as a new application for MassHealth benefits, was received on June 30, 2025. (Testimony) The Appellant was approved for MassHealth CarePlus beginning on June 20, 2025. (Testimony, Exhibit 1, 130 CMR 502.006) The Approval Notice, which is the subject of the instant appeal, was mailed to the same address, the Appellant's residence. (Exhibit 1). On the Fair Hearing Request, the Appellant's address is listed as the same address as the Appellant's listed residence. (Exhibit 2) The Notice of Hearing lists the same address, the Appellant's residence. (Exhibit 3) The Appellant confirmed that the Appellant received the Notice of Hearing. (Testimony, Exhibit 3)

In the Appellant's Fair Hearing Request, the Appellant indicated that she wants to have MassHealth retroactive prior to June 20, 2025. (Exhibit 2) The Appellant stated that she did not receive any requests for additional information. (Testimony, Exhibit 2) The Appellant stated that she has lived at the same address where the Notices were mailed, since prior to April of 2025 to present. (Testimony). The Appellant explained that she is a diligent person and would not ignore notices that required action. (Testimony) The Appellant stated that she did not receive any of the mailings, except for the Notice of Hearing sent by the Board of Hearings. (Exhibit 3). Exhibit 3 lists the same address as the other Notices, including Exhibit 1, the Notice under appeal. (Testimony, Exhibit 1)

Findings of Fact

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

1. The Appellant is a MassHealth member under the age of 65, who has been approved for MassHealth benefits, beginning on June 20, 2025. (Testimony)
2. The Appellant resides at [REDACTED] (Testimony, Exhibit 1, Exhibit 2, Exhibit 3, Exhibit 4)
3. MassHealth received an update, treated as a new application for MassHealth benefits, on June 30, 2024. (Testimony, Exhibit 1)

4. The Appellant had been approved for MassHealth CarePlus, beginning on June 20, 2025. (Testimony, 130 CMR 502.006)
5. The Appellant seeks retroactive coverage back beyond June 20, 2025. (Exhibit 2)

Analysis and Conclusions of Law

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).

The Appellant had been receiving MassHealth benefits but failed to return the information sought pursuant to the Notice issued on April 14, 2025. (Testimony) MassHealth testified that no responsive documents had been received, and the Appellant's coverage ended in accordance with the April 14, 2025 Notice. (Testimony) The Appellant's coverage terminated on May 20, 2025. (Testimony) The Termination Notice was not introduced into this Record. Had the Appellant been seeking to appeal the Termination Notice, the issue cannot be heard due to the appeal issue being untimely. The time standards for an Appeal may be found at 610.015(B)(1):

610.015: Time Limits

(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;

When an Appeal is not timely, the Appeal will be dismissed pursuant to 130 CMR 610.035 (A)(1):

610.035: Dismissal of a Request for a Hearing

(A) BOH will dismiss a request for a hearing when

- (1) the request is not received within the time frame specified in 130 CMR 610.015;

Therefore, had the Appellant been seeking appeal of the May 20, 2025 Notice, that issue

would need to be dismissed, pursuant to 130 CMR 610.015(B)(1) and 130 CMR 610.035(A)(1).

The Appellant's argument that she did not receive the Notice is belied by the address listed on all of the Notices, which, as the Appellant testified, is the Appellant's residence. (Testimony) The Termination Notice, dated May 20, 2025, was sent to the Appellant's residence. (Testimony) The Approval Notice, dated June 30, 2025, was sent to the Appellant's residence. (Exhibit 1) The Fair Hearing Request lists the Appellant's residence as the same address. (Exhibit 2). The Notice of Hearing lists the same address as the other Notices, the Appellant's residence. (Testimony, Exhibit 1, Exhibit 2, Exhibit 3) The Appellant confirmed receipt of the Notice of Hearing, which was mailed to the Appellant's residence, the same address where the Notices were mailed. (Testimony, Exhibit 1, Exhibit 3). Based upon this record, the Appellant has failed to show the invalidity of MassHealth's determination based upon MassHealth's testimony and the listing on the Notices of the Appellant's residence. Indeed, the Fair Hearing Request as well as the Notice of Hearing both confirm the Appellant's residence as the address MassHealth sent the Notices. (Testimony, Exhibit 2, Exhibit 3) Moreover, the Appellant confirmed receipt of the Notice of Hearing which was mailed to the Appellant's residence. (Testimony) Accordingly, MassHealth did not err in mailing the Appellant's Notices to her listed address, which is the Appellant's residence, and where she received the Notice of Hearing. (Testimony, Exhibit 3)

Regarding the Appellant's request for retroactive coverage during the time period when MassHealth benefits had ceased, here, the applicable Regulation can be found at 130 CMR 502.006(A)(2)(a):

502.006: Coverage Dates

(A) Start Date of Coverage for Applicants. For individuals applying for coverage, the date of coverage for MassHealth is determined by the coverage type for which the applicant may be eligible. 130 CMR 505.000: Health Care Reform: MassHealth: Coverage Types describes the rules for establishing this date, except as specified in 130 CMR 502.003(E)(1), (F)(2), and (H)(2).

(1) The start date of coverage for individuals approved for benefits under provisional eligibility is described at 130 CMR 502.003(E)(1).

(2) The start date of coverage for individuals who do not meet the requirements for provisional eligibility, as described at 130 CMR 502.003(E)(2)(a), is described at 130 CMR 502.006(A)(2)(a) through (c), except individuals described at 130 CMR 502.006(C).

(a) For individuals who submit all required verifications within the 90-day time frame, the start date of coverage is determined upon receipt of the requested verifications and coverage begins ten days prior to the date of application, except as specified in 130 CMR 506.006(C).

In the instant appeal, the update, treated as a new application submitted on behalf of the

Appellant, was received on June 30, 2025. MassHealth was able to approve the Appellant for MassHealth CarePlus, beginning on June 20, 2025, 10 days prior to the date of the application. (Testimony, Exhibit 1) MassHealth's administrative determination comports with the explicit dictates of 130 CMR 502.006(A)(2)(a). The Notices were mailed to the Appellant at the Appellant's residence. (Testimony, Exhibit 1, Exhibit 3) The Appellant confirmed receipt of the Notice of Hearing, mailed to the same address. (Exhibit 3) Accordingly, on this record, the Appellant has not met the burden, by a preponderance of evidence, to show that the MassHealth determination is invalid. Therefore, this remainder of 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.

Patrick Grogan
Hearing Officer
Board of Hearings

MassHealth Representative: Quincy MEC, Attn: Appeals Coordinator, 100 Hancock Street, 6th Floor, Quincy, MA 02171