

# Office of Medicaid

## BOARD OF HEARINGS

Appellant Name and Address:

[REDACTED]

<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2509825
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<b>Decision Date:</b>	9/3/2025	<b>Hearing Date:</b>	08/11/2025
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<b>Hearing Officer:</b>	Amy B. Kullar, Esq.
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**Appearance for Appellant:**

[REDACTED]

**Appearance for MassHealth:**

Ernetta Finch-Reeves, Charlestown  
MassHealth Enrollment Center



*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>	Denied	<b>Issue:</b>	Community eligibility – under 65; Income
<b>Decision Date:</b>	9/3/2025	<b>Hearing Date:</b>	08/11/2025
<b>MassHealth's Rep.:</b>	Ernetta Finch-Reeves	<b>Appellant's Rep.:</b>	<i>Pro se</i> with friend
<b>Hearing Location:</b>	Charlestown MassHealth Enrollment Center - Room 1 (Telephone)	<b>Aid Pending:</b>	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 4, 2025, MassHealth informed the appellant that his coverage was being downgraded from MassHealth Standard to Health Safety Net because he no longer meets the income requirement for MassHealth Standard, and that his MassHealth Standard coverage was ending on May 31, 2025. *See* 130 CMR 505.002 and Exhibit 1. The appellant filed this appeal on July 1, 2025. *See* 130 CMR 610.015(B) and Exhibit 2. This appeal was dismissed as untimely on July 1, 2025. *See* 130 CMR 610.015(B)(2) and Exhibit 3. The appeal dismissal was vacated by the Director of the Board of Hearings on July 14, 2025. *See* Exhibit 5. Termination of assistance is valid grounds for appeal. *See* 130 CMR 610.032.

### Action Taken by MassHealth

MassHealth informed the appellant that his coverage was being downgraded from MassHealth Standard to Health Safety Net because he no longer meets the income requirement for MassHealth Standard, and that his MassHealth Standard coverage was ending on May 31, 2025.

## **Issue**

The appeal issue is whether MassHealth was correct in determining that the appellant's income exceeds the limit allowed by the regulations to qualify for benefits.

## **Summary of Evidence**

The appellant is an adult under the age of [REDACTED] who resides in a household of one. The appellant appeared via videoconference and verified his identity. The appellant was accompanied by his friend, to whom he granted permission to testify on his behalf. MassHealth was represented by a worker from the Charlestown MassHealth Enrollment Center, who also appeared via video conference. The following is a summary of the testimony and documentary evidence presented at hearing:

The MassHealth representative testified that in March 2025, as part of the appellant's annual renewal, MassHealth issued the appellant a notice requesting that he provide proof of his income to MassHealth. The appellant timely provided his income information to MassHealth, and it was processed on April 4, 2025. The MassHealth representative reported that according to the information that the appellant provided to MassHealth, the appellant has a weekly income of \$420.00, which is equal to an income of \$21,840.00 per year, reflecting a 2025 federal poverty level (FPL) of 134.87% for the household. Testimony. As a result, the April 4, 2025 downgrade notice was issued to the appellant. Testimony. In order for the appellant to qualify for MassHealth benefits, his yearly household income cannot exceed \$20,820.00. The appellant's yearly income slightly exceeds this threshold. Testimony. Based on the appellant's gross income and FPL, the appellant was approved for the Health Safety Net and a ConnectorCare plan, which he has already enrolled in. Testimony.

The appellant confirmed that MassHealth has his income correctly calculated. He testified that he is extremely frustrated with the process and that he is presently experiencing severe financial and personal hardship. He is dealing with unemployment, and he can barely make ends meet with his unemployment payments. The appellant stated that he is frustrated with losing his MassHealth coverage; the ConnectorCare plan that he has does not cover the cost of his hearing aids; he has suffered from hearing loss since birth, but no one will help him. He lives in fear that he will wake up one day and his hearing aids will no longer be working, and he will be unable to replace them.

At this time, the Hearing Officer clarified with the MassHealth representative as to whether the appellant has a verified disability in the MassHealth system; the MassHealth representative stated that the appellant filed an Adult Disability Supplement in 2023; he was determined to be "not disabled" at that time. The appellant was urged to complete an Adult Disability Supplement as soon as possible and see if his circumstances have changed, and he could be determined as "disabled" by MassHealth due to his worsening hearing loss. After the appellant described his

current medical issues, the MassHealth representative stated that she would send the appellant a new disability supplement to complete and return to UMass Disability Evaluation Services.

## Findings of Fact

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

1. The appellant is an adult under the age of █ who resides in a household of one. Exhibit 4, Testimony.
2. On April 4, 2025, MassHealth informed the appellant that his coverage was being downgraded from MassHealth Standard to Health Safety Net because he no longer meets the income requirement for MassHealth Standard, and that his MassHealth Standard coverage was ending on May 31, 2025. Exhibit 1.
3. The appellant filed an appeal on July 1, 2025. The appeal was dismissed as untimely on July 1, 2025. On July 14, 2025, the Director of the Board of Hearings vacated the dismissal, and a hearing was scheduled and held on August 11, 2025. Exhibits 2, 3, 5.
4. The appellant receives unemployment benefits that amount to a yearly income of \$21,840.00. Testimony.
5. In 2025, a yearly income at 133% of the federal poverty level equates to \$20,820.00 for a household of one. Testimony, 2025 MassHealth Income Standards and Federal Poverty Level Guidelines.

## 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.

MassHealth regulations at 130 CMR 505.000 *et seq.* explain the categorical requirements and financial standards that must be met to qualify for a particular MassHealth coverage type. The rules of financial responsibility and calculation of financial eligibility are detailed in 130 CMR 506.000: *Health Care Reform: MassHealth: Financial Requirements*. The MassHealth coverage types are:

(1) *Standard* - for pregnant women, children, parents and caretaker relatives, young adults, disabled individuals, certain persons who are HIV positive, individuals with breast or cervical cancer, independent foster care adolescents, Department of Mental

Health members, and medically frail as such term is defined in 130 CMR 505.008(F);

(2) *CommonHealth* - for disabled adults, disabled young adults, and disabled children who are not eligible for MassHealth Standard;

(3) *CarePlus* - for adults [REDACTED] years of age who are not eligible for MassHealth Standard;

(4) *Family Assistance* - for children, young adults, certain noncitizens, and persons who are HIV positive who are not eligible for MassHealth Standard, CommonHealth, or CarePlus;

(5) *Small Business Employee Premium Assistance* - for adults or young adults who

- (a) work for small employers;
- (b) are not eligible for MassHealth Standard, CommonHealth, Family Assistance, or CarePlus;
- (c) do not have anyone in their premium billing family group who is otherwise receiving a premium assistance benefit; and
- (d) have been determined ineligible for a Qualified Health Plan with a Premium Tax Credit due to access to affordable employer-sponsored insurance coverage;

(6) *Limited* - for certain lawfully present immigrants as described in 130 CMR 504.003(A), nonqualified PRUCOLs, and other noncitizens as described in 130 CMR 504.003: *Immigrants*; and

(7) *Senior Buy-In and Buy-In* - for certain Medicare beneficiaries.

130 CMR 505.001(A).

To establish eligibility for MassHealth benefits, applicants must meet both the categorical and financial requirements. In this case, the appellant meets the categorical requirements for MassHealth CarePlus. The question then remains as to whether he meets the income requirements to qualify.

An individual between the ages of [REDACTED] who does not qualify for MassHealth Standard is eligible for MassHealth CarePlus if “the modified adjusted gross income of the MassHealth MAGI household is less than or equal to 133% of the federal poverty level.” 130 CMR 505.008(A)(2). To determine financial eligibility pursuant to 130 CMR 506.007, MassHealth must construct a household as described, in relevant part, in 130 CMR 506.002(B) for each individual person applying for or renewing coverage:

- (1) *Taxpayers Not Claimed as a Tax Dependent on His or Her Federal Income Taxes.* For an individual who expects to file a tax return for the taxable year in which the initial determination or renewal of eligibility is being made and who is not claimed as a tax dependent by another taxpayer, the household consists of

- (a) the taxpayer; including his or her spouse, if the taxpayers are married and filing jointly regardless of whether they are living together;
- (b) the taxpayer's spouse, if living with him or her regardless of filing status;
- (c) all persons the taxpayer expects to claim as tax dependents; and
- (d) if any woman described in 130 CMR 506.002(B)(1)(a) through (c) is pregnant, the number of expected children.

Here, the appellant does not dispute that he resides in a household of one. Based on 2025 MassHealth Income Standards and Federal Poverty Guidelines, 133% of the federal poverty level equates to a yearly income of \$20,820.00. See chart at <https://www.mass.gov/doc/2025-masshealth-income-standards-and-federal-poverty-guidelines-0/download>.

MassHealth determines an applicant's modified adjusted gross income (MAGI) by taking the countable income, which includes earned income as described in 130 CMR 506.003(A) and unearned income described in 130 CMR 506.003(B), less deductions described in 130 CMR 506.003(D). Specifically, 130 CMR 506.007 provides how the MAGI is calculated:

...Countable income includes earned income described in 130 CMR 506.003(A) and unearned income described in 130 CMR 506.003(B) less deductions described in 130 CMR 506.003(C). Income of all the household members forms the basis for establishing an individual's eligibility. A household's countable income is the sum of the MAGI-based income of every individual included in the individual's household with the exception of children and tax dependents who are not expected to be required to file a return as described in 42 CFR 435.603 and 130 CMR 506.004(K).

(A) Financial eligibility for coverage types that are determined using the MassHealth MAGI household rules and the MassHealth Disabled Adult household rules is determined by comparing the sum of all countable income less deductions for the individual's household as described at 130 CMR 506.002 with the applicable income standard for the specific coverage type. In determining monthly income, the MassHealth agency multiplies average weekly income by 4.333. Five 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.

(B) The financial eligibility standards for each coverage type may be found in 130 CMR 505.000: *Health Care Reform: MassHealth: Coverage Types.*

(C) The monthly federal-poverty-level income standards are determined according to annual standards published in the *Federal Register* using the following formula. The MassHealth agency adjusts these standards annually.

- (1) Divide the annual federal poverty-level income standard as it appears in the *Federal Register* by 12.
- (2) Multiply the unrounded monthly income standard by the applicable federal-poverty-level standard.
- (3) Round up to the next whole dollar to arrive at the monthly income standards.

(D) Safe Harbor Rule. The MassHealth agency will provide a safe harbor for individuals whose household income determined through MassHealth MAGI income rules results in financial ineligibility for MassHealth but whose household income determined through Health Connector income rules as described at 26 CFR 1.36B-1(e) is below 100 percent FPL. In such case, the individual's financial eligibility will be determined in accordance with Health Connector income rules.

- (1) MassHealth uses current monthly income and the Health Connector uses projected annual income amounts.
- (2) MassHealth MAGI household uses exceptions to tax household rules and the Health Connector uses the pure tax filing household.

(E) MAGI Protection for Individuals Receiving MassHealth Coverage on December 31, 2013. Notwithstanding the above, in the case of determining ongoing eligibility for individuals determined eligible for MassHealth coverage to begin on or before December 31, 2013, application of the MassHealth MAGI Household Income Calculation methodologies as set forth in 130 CMR 506.007 will not be applied until March 31, 2014, or the next regularly scheduled annual renewal of eligibility for such individual under 130 CMR 502.007, whichever is later, if the application of such methodologies would result in a downgrade of benefits.

In this case, MassHealth calculated the appellant's yearly MAGI to equal \$21,840.00, which the appellant could not dispute, since he himself provided his income information to MassHealth in April 2025. At the hearing, the appellant agreed that his income is correctly calculated by MassHealth.

As the amount of the appellant's verified monthly income exceeds 133% of the poverty level based on 2025 standards, the appellant is not eligible for MassHealth benefits. Therefore, because the appellant's household's verified monthly income is over 133% of the federal poverty level, MassHealth did not err in issuing the April 4, 2025, notice informing the appellant that his

coverage was being downgraded to the Health Safety Net.

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.

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Amy B. Kullar, Esq.  
Hearing Officer  
Board of Hearings

cc: MassHealth Representative: Thelma Lizano, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129