

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2510535
Decision Date:	10/15/2025	Hearing Date:	08/28/2025
Hearing Officer:	Christopher Jones	Record Open to:	09/03/2025

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Kimberly MacFarland – Springfield MEC



*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; Seasonal Income
Decision Date:	10/15/2025	Hearing Date:	08/28/2025
MassHealth's Rep.:	Kimberly MacFarland	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 July 16, 2025, MassHealth informed the appellant that she was eligible for Health Safety Net benefits for dental services because the appellant's income is too high for MassHealth benefits.¹ (Exhibit 1; 130 CMR 506.007.) The appellant filed this appeal in a timely manner on July 16, 2025. (Exhibit 2; 130 CMR 610.015(B).) Limitations of assistance are valid grounds for appeal. (130 CMR 610.032.)

Following the hearing, the record was held open until September 3, 2025, for the appellant to verify her unemployment benefits and for MassHealth to provide further details regarding how it treats seasonal income.

Action Taken by MassHealth

MassHealth denied the appellant MassHealth benefits based upon her reported annual, seasonal income.

¹ Through a notice dated March 26, 2025, MassHealth had previously informed the appellant that she was eligible for a ConnectorCare plan and given her 90 days to enroll in the plan. (Exhibit 1; Exhibit 4.)

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 506.003, in treating the appellant's average monthly seasonal income as her income even when she was unemployed.

Summary of Evidence

The appellant is under the age of [REDACTED] and she has a household of one. Historically, the appellant had been covered by CarePlus benefits since October 2019. On February 15, 2025, MassHealth mailed the appellant a job update form because the agency had received income information from an electronic data source that did not match what was on file for the appellant. MassHealth processed the appellant's response on March 26, 2025. The appellant verified monthly income of \$2,600, but it was reported as seasonal income that is only received 9 months a year. This resulted in annual income of \$23,400. MassHealth calculated the appellant's income to be equivalent to 144% of the federal poverty level, and the appellant was approved for Health Safety Net and a ConnectorCare plan. MassHealth's representative testified that the appellant's MassHealth coverage ended on April 30, 2025.

On July 16, 2025, the appellant called MassHealth to report a change in her income because she was not working during the summer. The appellant testified that she could not afford her Health Connector plan while she was unemployed, so she wanted to get back on MassHealth. The appellant testified that her employment ended June 5, 2025, but that she expected to return to work in September. The appellant usually finds a temporary job for the summer, but she could not find one this year. The appellant filed for unemployment, but it took 11 weeks to get her unemployment payments. When the appellant called MassHealth on July 16, 2025, she had no income because she was waiting for her unemployment benefits. The appellant testified that she has medications that she takes, and she believes she pays about \$200 per month for the medications.

MassHealth's representative testified that there are 2 options for reporting income. A member can report annual income through their tax return or annualized seasonal income, or they can report changes of income within 10 days. The appellant testified that when she completed her application, a caseworker had helped her. That worker had told her she needed to report it as seasonal income. MassHealth's appeal representative said that she could update the appellant's income as of the day of the hearing, but that the appellant would need to report when she starts working again, within 10 days of receiving her first paycheck. The appellant expected to receive her first paycheck at the end of September.

Because MassHealth's case worker said she could update the income as of the hearing date, she was asked whether the reported change could be backdated to July 16, 2025. That was when the appellant called in to report the change in the first instance and filed her appeal. MassHealth's representative testified that the notes from the call on the 16th stated the appellant's income was

updated but kept as seasonal. These notes do not reflect whether the appellant or the MassHealth representative identified the income as seasonal.² MassHealth's representative testified that the system needed income verification in order to update the appellant's income, so the appellant would need to submit her unemployment award letter.

The appellant requested that the record remain open to submit her unemployment award and for MassHealth to redetermine her eligibility. MassHealth's representative also suggested that the appellant apply for disability status with MassHealth, because the appellant reported medical conditions that limit her work capacity.

The hearing record was held open until September 3, 2025, for the appellant to submit her unemployment benefits award letter and for MassHealth to review and respond. The appellant submitted her unemployment award letter showing gross, weekly benefit of \$333, starting June 8, 2025. The letter says this award is based upon gross wages of \$24,820, in the previous year. The appellant's maximum benefit for the Benefit Year is \$8,935, and on or around August 29, 2025, the appellant had \$5,605 remaining in available benefits. This would have been the end of the 11th week after June 8, 2025. This indicates the appellant had been paid \$3,330 for 11 weeks of benefits.

MassHealth's representative responded that she was able to review the call recording from the appellant's call in July with the Assistant Director of the Enrollment Center. It was the appellant who reported her work as seasonal during that call. The appellant also reported that she anticipated returning to work in September. Because the appellant reported the income as seasonal, MassHealth's representative explained that the member's annual income must be used. MassHealth's representative changed their position from the hearing to state that in order for seasonal income to be stopped, a member must report that they do not intend to return to the seasonal employment. MassHealth's representative cited 130 CMR 506.003 as the basis for treating seasonal income in this manner.

MassHealth's representative suggested that the appellant submit a copy of her 2024 tax returns if she would like MassHealth to review her annual income using that information.

Findings of Fact

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

- 1) The appellant is under the age of [REDACTED] and she has a household of 1. (Testimony by MassHealth's representative.)
- 2) In March 2025, the appellant verified seasonal income of \$2,600 per month, earned 9 months per year. This equated to 144% of the federal poverty level, and MassHealth

² The appellant's request for a hearing identifies her employment as seasonal as well. (Exhibit 2.)

terminated the appellant's MassHealth benefits as of April 30, 2025. (Testimony by MassHealth's representative; Exhibit 4.)

- 3) On July 16, 2025, the appellant called MassHealth to report that she was not working during the off-season, and she asked to have her MassHealth reinstated. (Testimony by MassHealth's representative; Exhibit 2; Exhibit 5.)
- 4) The appellant had applied for unemployment benefits, but as of July 16, 2025, she had not received any benefits. (Testimony by the appellant; Exhibit 5.)

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 Standard or CarePlus benefits must have countable income under 133% of the federal poverty level. (130 CMR 505.002(E), 505.008(A).) However, disabled adults between the ages of [REDACTED] can qualify for the CommonHealth program, regardless of their income by paying a monthly premium. (See 130 CMR 505.004(B)-(C), 506.009.)

MassHealth eligibility is determined using "current monthly income," as opposed to the Health Connector, which "uses projected annual income amounts." (130 CMR 506.007(D)(1).) An individual's "current" 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.) MassHealth's regulations specifically note:

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).)

In calculating financial eligibility, "[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).)

With regards to reporting changes to income, a MassHealth “member must report to the MassHealth agency, within ten days or as soon as possible, changes that may affect eligibility. Such changes include, but are not limited to, income, the availability of health insurance, and third-party liability.” (130 CMR 501.010(B).) MassHealth will also periodically conduct data matches with other government agencies to verify eligibility information. (See 130 CMR 502.004.) If these data matches identify inconsistent information, the member is given the opportunity to provide verifying information. (130 CMR 502.003.)

The federal poverty level for an individual in 2025 is \$1,305 per month or \$15,660 annually. Five percent of the federal poverty level is \$65.25 monthly or \$783 annually. The appellant’s income was found during a periodic data match, and the appellant was asked to verify her income in February 2025. When she did so, she reported seasonal monthly income of \$2,600 for 9 months a year. This reported monthly income equates to \$23,400 per year. After reducing the annual amount by \$783, this income equates to 144.4% of the federal poverty level for an individual. This income is too high to qualify for MassHealth Standard or CarePlus in the absence of a disability.³

The appellant has always identified her job as seasonal. When MassHealth checked the call records from July 16, 2025, the appellant had identified her job as seasonal, and she maintained this position at the hearing. Seasonal income is an exception to the usual practice of requiring income changes be reported within 10 days. The regulation states “current taxable income” is used to determine eligibility only where the seasonal income ceases because the member “has a disabling illness or accident during or after the seasonal employment ... that prevents the person's continued or future employment ... ” (130 CMR 506.003(A)(4).)

I find that the appellant is correctly reporting her income as seasonal, and MassHealth is correctly treating her average monthly income as her current income, even when she is not working. As long as income is “reasonably predictable” across the year, a member’s “current” income is their annual gross taxable income divided by 12. The fact that the appellant received unemployment benefits, no matter how belatedly, would only result in her average monthly income being higher. Because her monthly income was already above 133% of the federal poverty level, this newly reported unemployment income would not result in MassHealth eligibility. Therefore, this appeal is DENIED.

Order for MassHealth

None.

³ This MassHealth determination occurred more than 60 days prior to the fair hearing request, and it is not timely appealed. (130 CMR 610.015.)

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: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104