

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



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|-------------------------|-------------------|-----------------------|------------|
| Appeal Decision: | Denied | Appeal Number: | 2514381 |
| Decision Date: | 11/21/2025 | Hearing Date: | 11/04/2025 |
| Hearing Officer: | Susan Burgess-Cox | | |

Appearance for Appellant:
Pro se



Appearance for MassHealth:
Joseph Carlson, Tewksbury 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

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|---------------------------|--|--------------------------|--|
| Appeal Decision: | Denied | Issue: | Community Eligibility – under 65; Immigration status |
| Decision Date: | 11/21/2025 | Hearing Date: | 11/04/2025 |
| MassHealth’s Rep.: | Joseph Carlson | Appellant’s Rep.: | Pro se |
| Hearing Location: | Tewksbury MassHealth Enrollment Center Room 1 (Telephone) | 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 September 9, 2025, MassHealth approved the appellant for MassHealth Limited and the Health Safety Net. *See* Exhibit 1. The appellant filed this appeal in a timely manner on October 2, 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 approved the appellant for MassHealth Limited and the Health Safety Net.

Issue

The appeal issue is whether MassHealth was correct in determining that the appellant is not eligible for MassHealth benefits beyond MassHealth Limited and the Health Safety Net.

Summary of Evidence

The appellant is an adult under the age of 65 who resides in a household of one. She represented herself and testified through a Spanish-speaking interpreter secured by the Board of Hearings. The MassHealth representative is a worker from the Tewksbury MassHealth Enrollment Center. All parties appeared on the telephone. The following is a summary of the testimony given and the evidence provided at hearing.

The MassHealth representative testified that the notice being appealed, a MassHealth Limited and Health Safety Net approval notice, is dated September 9, 2025. The MassHealth representative testified that this notice was generated after an income change was reported on September 9, 2025. The appellant's monthly household income was reported to be \$0.00, which is 0.00% of the federal poverty level (FPL). The appellant confirmed that her income was \$0.00.

Additionally, the MassHealth representative testified that the appellant's immigration status currently shows as undocumented. As a result, even though the appellant's income is \$0.00, the agency determined that the appellant cannot receive additional MassHealth benefits beyond MassHealth Limited and the Health Safety Net because her immigration status shows as undocumented. The appellant confirmed that her immigration status as undocumented was correct.

The MassHealth representative also testified that the appellant is not currently subject to any special circumstances like breast cancer or pregnancy, among others, or any verified disability. Furthermore, the appellant confirmed that she has not previously had any special status designations, such as an asylum seeker or victim of domestic violence, among others. Because of this, the appellant is only eligible for MassHealth Limited and the Health Safety Net because of her immigration status as undocumented.

The appellant testified that she is currently not working because she is not able to walk due to her knee. She testified that she urgently needs surgery on her knee. The appellant testified that she went to the emergency room when she injured her knee and was told by a local clinic, who gave the appellant a referral, to schedule a surgery at [REDACTED]. However, when the appellant visited [REDACTED] she was told that she had to renew her insurance.

The appellant testified that she broke her nose in [REDACTED], and MassHealth had covered her nose surgery, so she is confused about why MassHealth now will not cover her knee surgery. The appellant testified that she had to be taken to the emergency room for her nose surgery. The appellant also testified that she had to wait around eight days before getting nose surgery because MassHealth did not approve her for the surgery until she called MassHealth.

Findings of Fact

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

1. The appellant is under the age of 65 and residing in a household of one.
2. The appellant has no income.
3. The appellant is an undocumented immigrant
4. On September 9, 2025, MassHealth approved the appellant for MassHealth Limited and the Health Safety Net.
5. The appellant does not have breast cancer, is not pregnant or been deemed disabled.
6. The appellant suffered an injury to her knee.

Analysis and Conclusions of Law

Certain noncitizens may qualify for MassHealth benefits, depending on their legal status. The MassHealth regulations at 130 CMR 504.003 detail the circumstances in which these applicants may receive benefits. These regulations are divided into four different categories: Lawfully Present Immigrants (504.003(A)), Protected Noncitizens (504.003(B)), Nonqualified Persons Residing under Color of Law (504.003(C)), and Other Noncitizens (504.003(D)).

The appellant is an undocumented immigrant, meaning she does not have lawful immigration status in the United States. As a result, the appellant does not fall under Lawfully Present Immigrants, Protected Noncitizens, or Nonqualified Persons Residing under Color of Law. Instead, the appellant falls under the category of Other Noncitizens. The applicable coverage types for other noncitizens are listed in 130 CMR 504.006.

Other Noncitizens may receive the following benefits:

130 CMR 504.006: Applicable Coverage Types

- (D) Other noncitizens may receive the following coverage:
- (1) MassHealth Standard, if they are pregnant and meet the categorical requirements and financial standards as described in 130 CMR 505.002: *MassHealth Standard*;
 - (2) MassHealth Limited, if they meet the categorical requirements and financial standards as described in 130 CMR 505.006: *MassHealth Limited*; and
 - (3) Children's Medical Security Plan, if they are children younger than 19 years old

and meet the categorical requirements and financial standards as described in 130 CMR 522.004: *Children's Medical Security Plan (CMSP)*.

130 CMR 505.006: MassHealth Limited

(B) Eligibility Requirements.

(1) MassHealth Limited is available to the following:

(a) other noncitizens as described in 130 CMR 504.003(D): *Other Noncitizens* who are

1. children younger than one year old with modified adjusted gross income of the MassHealth MAGI household that is less than or equal to 200% of the federal poverty level (FPL);
2. children one through 18 years old with modified adjusted gross income of the MassHealth MAGI household that is less than or equal to 150% of the FPL;
3. young adults 19 and 20 years old with modified adjusted gross income of the MassHealth MAGI household that is less than or equal to 150% of the FPL;
4. adults 21 through 64 years old who are parents, caretakers, or adults with modified adjusted gross income of the MassHealth MAGI household that is less than or equal to 133% of the FPL; and
5. disabled adults 21 through 64 years old with modified adjusted gross income of the MassHealth Disabled Adult household that is less than or equal to 133% of the FPL;

Here, there is no evidence in the record that the appellant is pregnant so she is not eligible for MassHealth Standard. The appellant is older than 19 years old, so she is not eligible for the Children's Medical Security Plan. As such, the appellant is only eligible for MassHealth Limited, as she qualifies as an adult 21 through 64 years old with a modified adjusted gross income of the MassHealth MAGI household that is less than or equal to 133% of the FPL.

The appellant testified that she needs surgery and was told that she needed to renew her benefits to receive coverage for the surgery. The fact that a third party informed the appellant that she may be eligible for MassHealth, does not deem the eligibility decision made by the agency an error. The testimony provided by the appellant regarding her immigration status demonstrates that she is not eligible for coverage beyond MassHealth Limited.

The decision made by MassHealth is correct. 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.

Susan Burgess-Cox
Hearing Officer
Board of Hearings

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290