

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2517280
Decision Date:	12/22/2025	Hearing Date:	12/18/2025
Hearing Officer:	Christopher Jones		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Connie Dorvil – 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	Issue:	Community Eligibility - under 65; Income
Decision Date:	12/22/2025	Hearing Date:	12/18/2025
MassHealth's Rep.:	Connie Dorvil	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 September 18, 2025, MassHealth terminated the appellant's CarePlus coverage, effective October 2, 2025, based upon the appellant's household income. (Exhibit 1; 130 CMR 505.002 - .009; 506.001 - .004.) The appellant filed this timely appeal on November 21, 2025. (Exhibit 4; 130 CMR 610.015(B).) Denial of assistance is valid grounds for appeal. (130 CMR 610.032.)

Action Taken by MassHealth

MassHealth terminated the appellant's CarePlus coverage based upon an auto-renewal of benefits that identified household income equivalent to 156.8% of the federal poverty level.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 505.004 and 506.003 – 506.004, in determining that the appellant's Social Security benefits are countable income.

Summary of Evidence

The appellant is under the age of [REDACTED] and she has a household size of one. MassHealth's representative testified that the appellant was mailed an income verification request on April 15, 2025, because MassHealth was unable to automatically renew her benefits. The appellant did not respond to this request to verify her income, and MassHealth used the information it received through an electronic data match to renew the appellant's eligibility. This resulted in MassHealth's September 18, 2025 notice terminating the appellant's CarePlus benefits on October 2, 2025.

MassHealth's representative testified that the appellant called MassHealth on September 26, 2025, and reported that she had 0 income. MassHealth issued an approval notice for CarePlus benefits based upon this reported income. MassHealth once again received data-match information that the appellant receives \$2,110 per month in Social Security benefits. On November 13, 2025, and issued a second CarePlus termination notice, effective November 27, 2025. MassHealth's representative testified that, without being pregnant or having certain medical conditions, MassHealth benefits are only available for individuals with gross monthly income below \$1,735 per month. This is 133% of the federal poverty level.

The appellant testified that she receives \$2,110 per month in gross, Social Security Survivor's benefits. She cannot work because she cares for a disabled child and an elderly mother. The appellant argued that MassHealth should not count her Social Security income because it is not taxable. The appellant had spoken with tax advisers who told her she did not need to file income taxes, and the Social Security benefits would only be taxable if she had other sources of income as well. Because her Social Security benefits are not taxable the appellant argues that MassHealth cannot count them in determining her eligibility for benefits. The appellant confirmed that neither her child nor her mother are dependents for tax purposes.

The appellant was also confused as to why she was being terminated now, as there had not been a change in her income for years. The appellant has been covered by CarePlus since 2017. The appellant testified that the Health Connector quoted her insurance costing over \$900 per month, and she cannot afford to pay that. She testified that without MassHealth she would need to go without insurance until Medicare became available.

Findings of Fact

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

- 1) The appellant has a household size of 1, and she is under the age of [REDACTED] (Testimony by the appellant.)
- 2) The appellant receives gross, monthly Social Security Survivor's benefits in the amount of \$2,110. (Testimony by the appellant.)

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).) 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.) Children younger than [REDACTED] are eligible for Standard coverage up to 150% of the federal poverty level and Family Assistance with income between 150% and 300% of the federal poverty level. (130 CMR 505.002(B)505.005(B).)

For individuals under the age of [REDACTED] countable income includes the total amount of taxable earned income received by everyone in a member's household "after allowable deductions on the U.S Individual Tax Return," as well as other forms of unearned income that may be non-taxable. (130 CMR 506.003(B); see also 130 CMR 506.002.) Social Security benefits are specifically listed as a form of unearned income that may be counted. (130 CMR 506.003(B).) Noncountable income is separately defined. (130 CMR 506.004.) Noncountable income includes "TAFDC, EAEDC, or SSI income," but does not include other Social Security benefits. (130 CMR 506.004(A).)

In determining eligibility, "[f]ive percentage points of the current federal poverty level (FPL) is subtracted from the applicable household total countable income" (130 CMR 506.007(A).)

The federal poverty level for an individual in 2025 is \$1,305 per month. The appellant's monthly benefits are equivalent to 161.68% of the federal poverty level, or 156.68% once 5% is disregarded. Because the appellant's income is over 133% of the federal poverty level, MassHealth was correct that she is ineligible for MassHealth CarePlus. Therefore, 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.

Christopher Jones
Hearing Officer
Board of Hearings

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