

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2518047
Decision Date:	1/12/2026	Hearing Date:	01/05/2026
Hearing Officer:	Mariah Burns		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Arlene Hatch, Quincy 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

Appeal Decision:	Denied	Issue:	Community Eligibility; Over 65; Medicare Savings Program; Income
Decision Date:	1/12/2026	Hearing Date:	01/05/2026
MassHealth's Rep.:	Arlene Hatch	Appellant's Rep.:	Pro se
Hearing Location:	Telephone (Quincy)	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 November 5, 2025, MassHealth denied the appellant's application for the Medicare Savings Program because MassHealth determined that the appellant is over the income limit to qualify. *See* 130 CMR 520.00 and Exhibit 1. The appellant filed this appeal in a timely manner on December 8, 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 denied the appellant's application for the Medicare Savings Program.

Issue

The appeal issue is whether MassHealth correctly calculated the appellant's income in determining that he is not eligible for the Medicare Savings Program.

Summary of Evidence

The appellant is a married adult over the age of 65. MassHealth was represented by a worker from the Quincy MassHealth Enrollment Center. All parties appeared by telephone. The following is a summary of the testimony and evidence provided at the hearing.

On October 29, 2025, the appellant and his spouse applied for the Medicare Savings Program. On their application, the appellant reported that he receives \$2,806.00 in monthly Social Security benefits, while his spouse receives \$240.00. MassHealth electronically verified the appellant's monthly benefit as consistent with what was reported, but determined that the spouse's gross monthly benefit is \$1,358.00. The MassHealth representative reported that the maximum monthly income the appellant and his spouse would be able to receive to qualify for the Medicare Savings Program is \$3,966.00. Because the couple's combined gross monthly Social Security benefit was determined to be over the income limit to qualify for the Medicare Savings Program, MassHealth issued a notice to that effect on November 5, 2025.

The appellant testified that he received \$2,496.00 in his most recent Social Security check, and his spouse received \$1,008.00. He agreed that his upcoming cost-of-living adjustment will increase his check to at least \$2,880.00. He reported that he has no additional income beyond Social Security and currently has approximately \$100.00 to make it through the rest of the month.

Findings of Fact

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

1. The appellant is an adult over the age of 65 who resides in a household of two with his spouse. Exhibit 4, testimony.
2. On October 29, 2025, the appellant and his spouse applied for the Medicare Savings Program. Testimony. MassHealth electronically verified the appellant's income, and on November 5, 2025, sent a notice stating that the appellant is over the income to qualify for the requested benefits. Exhibit 1.
3. The appellant filed this appeal in a timely manner on October 24, 2025. Exhibit 2.
4. The appellant and his spouse receive a combined total of \$4,164.00 in gross monthly Social Security benefits. Testimony.

Analysis and Conclusions of Law

MassHealth administers and is responsible for delivery of healthcare benefits to MassHealth members. See 130 CMR 515.002. Eligibility for MassHealth benefits differs depending on an applicant's age. 130 CMR 515.000 through 522.000 (referred to as Volume II) provide the requirements for non-institutionalized persons aged 65 or older, institutionalized persons of any age, persons who would be institutionalized without community-based services, as, and certain Medicare beneficiaries. 130 CMR 515.002(B). As the appellant is over 65 years old, she is subject to the requirements of the provisions of Volume II. 130 CMR 515.002.

The Medicare Savings Program is a benefit in which MassHealth assists members with certain out-of-pocket Medicare expenses, depending on their eligibility. To determine a senior's eligibility for the Medicare Savings Program (MSP) – Qualified Medicare Beneficiary, MassHealth determines if they have “countable income...that is less than or equal to 190% of the federal poverty level.” 130 CMR 519.010(A)(2). Individuals eligible for hospital benefits under Medicare Part A may qualify for the MSP for Specified Low Income Medicare Beneficiaries (SLMB) if their income is between 190% and 210% of the federal poverty level, or for the MSP as a Qualified Individual if their income is between 210% and 225% of the federal poverty level. 130 CMR 519.011(A) and (B).

The current MassHealth federal poverty level standards can be found on its website; 100% of the federal poverty level for a household of two is \$1,763.00 in monthly income based on 2025 Income Standards.¹ By those same standards, 190% of the federal poverty level for a household of two is \$3,349.00 per month, while 225% is \$3,966.00.

In calculating the income of a senior applicant, MassHealth applies the following relevant regulations:

(A) Overview.

- (1) An individual's and the spouse's *gross* earned and unearned income less certain business expenses and standard income deductions is referred to as the countable-income amount. In determining gross monthly income, the MassHealth agency multiplies the average weekly income by 4.333 unless the income is monthly.
- (2) For community residents, the countable-income amount is compared to the applicable income standard to determine the individual's financial eligibility.
- (3) For institutionalized individuals, specific deductions described in 130 CMR 520.026 are applied against the individual's countable-income amount to

¹ <https://www.mass.gov/doc/2025-masshealth-income-standards-and-federal-poverty-guidelines-0/download>.

determine the patient-paid amount.

(4) The types of income that are considered in the determination of eligibility are described in 130 CMR 520.009, 520.018, 520.019, and 520.021 through 520.024. These include income to which the applicant, member, or spouse would be entitled whether or not actually received when failure to receive such income results from the action or inaction of the applicant, member, spouse, or person acting on his or her behalf. In determining whether or not failure to receive such income is reasonably considered to result from such action or inaction, the MassHealth agency will consider the specific circumstances involved.

(B) MassHealth Income Standards. Generally, financial eligibility is based on a percentage of the federal poverty level. The monthly federal poverty level standards are determined according to annual standards published in the Federal Register. The MassHealth agency adjusts these standards annually using the following formula.

(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 percentage.

(3) Round up to the next whole dollar to arrive at the monthly income standards.

....

(D) Unearned Income. Income that does not directly result from an individual's own labor or services is unearned. Unearned income includes, but is not limited to, Social Security benefits, railroad retirement benefits, pensions, annuities, federal veterans' benefits, rental income, interest, and dividend income...

130 CMR 520.009 (emphasis added). A complete list of noncountable income can be found at 130 CMR 520.015 and includes "the income of any individual who is a recipient of EAEDC or SSI...veterans' aid and attendance benefits...[and] the amount of the increase due to a Social Security cost-of-living adjustment (COLA), if the amount of such increase can be verified, until the subsequent federal-poverty-level adjustment for applicants and members who are community residents." MassHealth applies a standard monthly deduction of \$20.00 per married couple to an applicant's unearned income. 130 CMR 520.012(A).

In this case, MassHealth credibly verified that the appellant receives \$2,806.00 in gross monthly Social Security benefits, while his spouse receives \$1,358.00 in Social Security. Although the appellant argues that his spouse only receives a check of \$1,008.00, that amount includes any deductions the Social Security Administration takes from the payment, such as a Medicare premium. MassHealth uses an applicant's gross monthly income when calculating their eligibility, not the net payment. The evidence shows that the appellant and his spouse receive a combined total of \$4,164.00 in monthly Social Security benefits which, even when taking the \$20.00

unearned income disregard into account, is over 225% of the federal poverty level for a household of two. Therefore, although the appellant presents a sympathetic argument, he has not demonstrated that he and his spouse are financially eligible for the Medicare Savings Program. Thus, I find that MassHealth did not err in issuing the November 5, 2025, notice denying the appellant's application for that benefit.

For the foregoing reasons, the appeal is hereby 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.

Mariah Burns
Hearing Officer
Board of Hearings

MassHealth Representative: Quincy MEC, Attn: Cassandra Moura, Appeals Coordinator