

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2518109
Decision Date:	2/4/2026	Hearing Date:	01/21/2026
Hearing Officer:	Thomas Doyle	Record Open to:	N/A

Appearance for Appellant:



Appearance for MassHealth:

Elizabeth Nickoson, Taunton 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; Immigration
Decision Date:	2/4/2026	Hearing Date:	01/21/2026
MassHealth's Rep.:	Elizabeth Nickoson	Appellant's Rep.:	[REDACTED]
Hearing Location:	Remote (Teams Video)	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 December 4, 2025, MassHealth approved appellant for the MassHealth Limited benefit. (Ex. 1). Appellant filed this appeal in a timely manner on December 8, 2025. (Ex. 2). Limiting of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth approved appellant for MassHealth Limited.

Issue

The appeal issue is whether MassHealth was correct in approving appellant for MassHealth Limited.

Summary of Evidence

The appeal representative, an attorney, and the MassHealth worker (worker) both appeared via Teams video. The hearing began, all were sworn and documents marked as evidence. The evidence shows the following: Appellant is between the ages of 21 and 64. (Ex. 9). Appellant is in a household of 4, which includes her domestic partner and two children.¹ Appellant is a non-tax filer and has no income, placing her at 0% of the Federal Poverty Level (FPL). (Testimony). MassHealth considers appellant an "Other Noncitizen" pursuant to 130 CMR 504.003 (D). The worker stated this classification meant appellant was undocumented with no immigration status on file. The worker stated MassHealth had received an expired visa from appellant that expired in [REDACTED] (Testimony; Ex. 9). The worker stated MassHealth could not classify appellant as a Nonqualified Person Residing under Color of Law (Nonqualified PRUCOL or PRUCOL) because appellant "did not provide any proof she had applied for some type of status." (Testimony). The worker testified for appellant to potentially qualify for Family Assistance, MassHealth would need an affidavit from appellant's attorney stating appellant had applied for "something" or provide documents such as a "797" or an "I94." (Testimony). The worker confirmed that MassHealth found appellant eligible for Limited based upon MassHealth's finding that appellant is an "Other Noncitizen." (Testimony; See 130 CMR 504.006 (D) (2)). The worker offered Eligibility Operations Memo 22-04 (EOM), Verification of PRUCOL status. (Ex. 10). The EOM lists 8 ways for applicants or members to verify as PRUCOL. (Ex. 10, pp. 2-3). The EOM states in part:

MassHealth applicants and members may verify as PRUCOL in the following ways:

- Proof of an expired immigration status (such as Temporary Protected Status, Deferred Medical Action, or Employer Authorization), there is no employment authorization **and**:
 - * Applicant or member has applied for an update of this status that has not been approved, due to delays with DHS or USCIS; **and**
 - *There is no indication that DHS is contemplating enforcing departure. (Ex. 10, p. 3)(emphasis added).

The appeal representative stated she agreed the main issue is appellant's status and whether appellant can be classified as a PRUCOL. She stated appellant should be classified as a PRUCOL because appellant falls under 130 CMR 504.003 (C) (11), which states "any noncitizen living in the United States with the knowledge and consent of the DHS, and whose departure the DHS does not contemplate enforcing. (These include persons granted Extended Voluntary Departure due to conditions in the noncitizen's home country based on a determination by the U.S. Secretary of State)." In a letter offered by the appeal representative, she writes "appellant has made DHS aware of her presence in the United States when she entered the United States and received a B1/B2 visa from U.S. Customs and Border Protection. Since her entrance into the United States, DHS has not taken any action to remove [appellant] despite being aware of her presence in the

¹ Appellant and her domestic partner are not legally married, and he claims the 2 children.

United States.” (Ex. 4, p. 2). She writes further that appellant should be considered a PRUCOL (id). The appeal representative stated appellant is not involved in removal proceedings, nor has a removal order been issued against appellant. She stated “we do not believe that DHS is contemplating removal of appellant.” (Testimony).

The appeal representative referenced documents she offered into evidence including an Assister Update dated March 6, 2022, (Ex. 7), and a MEC Weekly Update dated June 30, 2023. (Ex. 8). Both MassHealth documents copy the language contained in 504.003 (C)(11) in describing how a noncitizen living in the United States with the knowledge and consent of DHS and whose departure the DHS does not contemplate enforcing may potentially be classified as a PRUCOL. (Ex. 7, p. 4; Ex. 8, p. 2).

Findings of Fact

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

1. Appellant possesses a visa that expired in [REDACTED] and has no immigration status on file. (Testimony; Ex. 9).
2. Appellant has not provided any proof she has applied for an updated immigration status. (Testimony; Ex. 10, p. 3).
3. Appellant is an “Other Noncitizen” pursuant to 130 CMR 504.003 (D).
4. Appellant is a non-tax filer and has no income, placing her at 0% of the FPL. (Testimony).
5. Appellant is between the ages of 21 and 64. (Ex. 9).

Analysis and Conclusions of Law

The appellant has the burden "to demonstrate the invalidity of the administrative determination." Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228 (2007). Moreover, “[p]roof by a preponderance of the evidence is the standard generally applicable to administrative proceedings.” Craven v. State Ethics Comm'n, 390 Mass. 191, 200 (1983).

At issue in this appeal is MassHealth’s determination of appellant’s eligibility for benefits, which is based on her immigration status. MassHealth determined that she is classified as “Other Noncitizen” under 130 CMR 504.003(D) and was therefore only eligible for MassHealth Limited. Appellant contends that she should be considered a Person Residing Under Color of Law (PRUCOL), which could qualify her for a more robust MassHealth coverage type.

MassHealth regulations at 130 CMR 504.003(C) describes those who are considered “Nonqualified PRUCOLs.” These include the following:

- (10) noncitizens who have filed an application, petition, or request to obtain a lawfully present status that has been accepted as properly filed, but who have not yet obtained employment authorization and whose departure DHS does not contemplate enforcing;
- (11) any noncitizen living in the United States with the knowledge and consent of the DHS, and whose departure the DHS does not contemplate enforcing. (These include persons granted Extended Voluntary Departure due to conditions in the noncitizen’s home country based on a determination by the U.S. Secretary of State.)

MassHealth Eligibility Operations Memo 22-04, issued in February 2022, sets forth the ways MassHealth members and applicants can verify PRUCOL status, including the following:

- Proof of an expired immigration status (such as Temporary Protected Status, Deferred Medical Action, or Employer Authorization), there is no employment authorization and:
 - * Applicant or member has applied for an update of this status that has not been approved, due to delays with DHS or USCIS; and
 - *There is no indication that DHS is contemplating enforcing departure. (Ex. 10, p. 3)(emphasis added).

MassHealth points to the terms of the EOM, maintaining appellant must show both that she has applied for an update of her expired immigration status (which there is no evidence she has done) *and* that she is present with DHS knowledge and consent with no indication it is contemplating enforcing her departure. Appellant suggests that under the language of the regulation, she need only demonstrate the second of these requirements to establish PRUCOL status. See 130 CMR 504.003(C)(11). Even if this position were correct, appellant has not sufficiently demonstrated that she meets that second requirement. Her attorney argued only that DHS was aware she entered the country under a valid visa in [REDACTED] and has so far taken no steps toward her removal. This assertion alone does not establish in any affirmative sense that her presence is with DHS’s “knowledge and consent” or that the agency “does not contemplate” her removal. Appellant has not provided any documentary or other reliable verification of these claims. For these reasons, there is no apparent error in MassHealth’s determination that she does not meet PRUCOL criteria.

MassHealth regulations at 130 CMR 504.003(D) define “Other Noncitizens” as follows:

130 CMR 504.003: Immigrants

...

(D) Other Noncitizens. Noncitizens whose status is not described in 130 CMR 504.003(A) through (C), are considered other noncitizens. The applicable coverage types for other noncitizens are listed in 130 CMR 504.006.

As MassHealth correctly determined that appellant does not meet PRUCOL criteria, she is considered an “Other Noncitizen.”

Under 130 CMR 504.006(D), “Other Noncitizens” may receive the following coverage:

...

(2) MassHealth Limited, if they meet the categorical requirements and financial standards as described in 130 CMR 505.006: MassHealth Limited.

The eligibility requirements for MassHealth Limited, set forth at 130 CMR 505.006(B), are as follows:

(1) MassHealth Limited is available to the following:

...

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. (emphasis added).

Appellant is an adult between 21 and 64 years of age with an FPL of 0%. Under the regulations appellant qualifies for MassHealth Limited. Appellant has not met her burden, by preponderance of the evidence, and this appeal is denied.

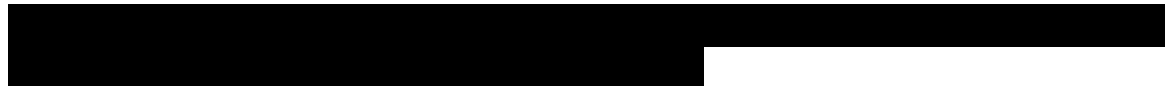
Order for MassHealth

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.

Thomas Doyle
Hearing Officer
Board of Hearings



MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780, 508-828-4616