

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2519047
Decision Date:	01/30/2026	Hearing Date:	01/22/2026
Hearing Officer:	Mariah Burns		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Ernetta Finch Reeves, Charlestown 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; Under 65; Income
Decision Date:	01/30/2026	Hearing Date:	01/22/2026
MassHealth's Rep.:	Ernetta Finch-Reeves	Appellant's Rep.:	Pro se
Hearing Location:	Telephone (Charlestown)	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 October 21, 2025, MassHealth denied the appellant's application for MassHealth benefits because MassHealth determined that the appellant is over the income limit to qualify for benefits. *See* 130 CMR 506.007 and Exhibit 1. The appellant filed this appeal on December 26, 2025, which was deemed timely by the Board of Hearings. *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 MassHealth benefits.

Issue

The appeal issue is whether MassHealth correctly calculated the appellant's income in determining that she is not eligible for benefits.

Summary of Evidence

The appellant is an adult under the age of 65 who resides in a household of two with her spouse. MassHealth was represented by a worker from the Charlestown MassHealth Enrollment Center. All parties appeared at the hearing by telephone. The following is a summary of the testimony and evidence provided at the hearing.

The appellant applied for MassHealth benefits on October 21, 2025. MassHealth verified the appellant's household income and determined that her spouse earns approximately \$8,730.84 in gross monthly income, while the appellant has no income. MassHealth also verified that the appellant has been a legal permanent resident in the United States since April 3, 2025. Because the appellant's household income exceeds the threshold set forth by the MassHealth regulations, MassHealth issued a notice on October 21, 2025, denying her application for benefits.¹

The appellant did not dispute MassHealth's calculation of her income. She provided a copy of her Permanent Resident card and reported that she had a work permit prior to becoming a permanent resident. She denied being pregnant or having cancer, HIV, or a disability.

Findings of Fact

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

1. The appellant is an adult under the age of 65 who resides in a household of two with her spouse. Testimony, Exhibit 4.
2. On October 21, 2025, the appellant applied for MassHealth benefits. Testimony. MassHealth verified that the appellant is over the income limit to qualify for any benefit beyond the Health Safety Net and issued a notice to that effect on October 21, 2025. Exhibit 1, Testimony.
3. The appellant filed a timely request for fair hearing on December 26, 2025. Exhibit 2.
4. The appellant's spouse earns approximately \$8,730.84 in gross monthly income. Testimony. The appellant does not have an income. Testimony. She has been a legal permanent resident in the United States since April 3, 2025. Testimony, Exhibit 4.
5. The appellant does not have HIV or breast or cervical cancer, is not pregnant, and has not

¹ The appellant also referenced a denial of benefits through the Health Connector. This appeal gives no jurisdiction to decide Health Connector- related matters. See 130 CMR 610.003 (The scope of a fair hearing before the Office of Medicaid Board of Hearings to include only certain actions or inactions by MassHealth or a MassHealth managed care contractor).

been deemed disabled by the Social Security Administration nor by MassHealth. Testimony.

Analysis and Conclusions of Law

MassHealth regulations at 130 CMR 505.000 *et seq.* explain the categorical requirements and financial standards that must be met to qualify for a particular MassHealth coverage type. The rules of financial responsibility and calculation of financial eligibility for individuals who are under age 65 are detailed in 130 CMR 506.000: *Health Care Reform: MassHealth: Financial Requirements*. The MassHealth coverage types are:

- (1) *MassHealth Standard* - for pregnant women, children, parents and caretaker relatives, young adults, disabled individuals, certain persons who are HIV positive, individuals with breast or cervical cancer, independent foster care adolescents, Department of Mental Health (DMH) members, and medically frail as such term is defined in 130 CMR 505.008(F);
- (2) *MassHealth CommonHealth* - for disabled adults, disabled young adults, and disabled children who are not eligible for MassHealth Standard;
- (3) *MassHealth CarePlus* - for adults 21 through 64 years of age who are not eligible for MassHealth Standard;
- (4) *Family Assistance* - for children, young adults, certain noncitizens, and persons who are HIV positive who are not eligible for MassHealth Standard, CommonHealth, or CarePlus;
- (5) *Limited* - for certain lawfully present immigrants as described in 130 CMR 504.003(A), nonqualified PRUCOLs, and other noncitizens as described in 130 CMR 504.003: *Immigrants*; and
- (6) *MassHealth Medicare Savings Programs (MSP, also called Senior Buy-In and Buy-In)* - for certain Medicare beneficiaries.

130 CMR 505.001(A) (emphasis added).

To establish eligibility for MassHealth benefits, applicants must meet both the categorical and financial requirements. Noncitizens may qualify for MassHealth benefits, the type of which depend on their legal status. The MassHealth regulations at 130 CMR 504.003 detail the circumstances in which these applicants may receive benefits. An individual who is a permanent resident but has not possessed the status for at least five years is considered a Qualified Noncitizen Barred under 130 CMR 504.003(A)(2). Qualified Noncitizens Barred may receive the following benefits:

- (1) MassHealth Standard, if they are younger than 19 years old, young adults 19 and 20 years of age, or people who are pregnant and meet the categorical requirements and financial standards described in 130 CMR 505.002: MassHealth Standard; independent foster care children 18 through 20 years of

age, and children younger than 19 years old and young adults age 19 and 20 years of age who are receiving EAEDC.

(2) MassHealth CommonHealth, if they are younger than 19 years old and meet the categorical requirements and financial standards as described in 130 CMR 505.004: MassHealth CommonHealth;

(3) MassHealth Family Assistance, if they are children younger than 19 years old, disabled adults 21 through 64 years of age and meet the categorical requirements and financial standards as described in 130 CMR 505.005: MassHealth Family Assistance or adults 21 through 64 years of age who are receiving EAEDC;

(4) MassHealth Limited, if they are adults 21 through 64 years of age and meet the categorical requirements and financial standards as described in 130 CMR 505.006: MassHealth Limited; and

(5) 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 504.006(B). As the appellant is a legal permanent resident but has not possessed that status for more than five years, she only meets the categorical requirements to qualify for MassHealth Limited. The question then remains as to whether she meets the income requirements to qualify.

Qualified noncitizens barred between the ages of 21 and 64 are eligible for MassHealth Limited if the "modified adjusted gross income of the MassHealth MAGI household is less than or equal to 133% of the federal poverty level." 130 CMR 505.006(B)(1)(c)(1). To determine financial eligibility pursuant to 130 CMR 506.007, MassHealth must construct a household as described, in relevant part, in 130 CMR 506.002(B) for each individual person applying for or renewing coverage:

(1) Taxpayers Not Claimed as a Tax Dependent on Their Federal Income Taxes. For an individual who expects to file a tax return for the taxable year in which the initial determination or renewal of eligibility is being made and who is not claimed as a tax dependent by another taxpayer, the household consists of

(a) the taxpayer; including their spouse, if the taxpayers are married and filing jointly regardless of whether they are living together;

(b) the taxpayer's spouse, if living with them regardless of filing status;

(c) all persons the taxpayer expects to claim as tax dependents; and

(d) if any individual described in 130 CMR 506.002(B)(1)(a) through (c) is pregnant, the number of expected children.

Here, the appellant does not dispute that she resides in a household of one. Based on 2025 MassHealth Income Standards and Federal Poverty Guidelines, 133% of the federal poverty level equates to a monthly income of \$2,345.00 or \$28,140.00 for the year. *See chart at*

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

MassHealth determines an applicant's modified adjusted gross income (MAGI) by taking the countable income, which includes earned income as described in 130 CMR 506.003(A) and unearned income described in 130 CMR 506.003(B), less deductions described in 130 CMR 506.003(D). Specifically, 130 CMR 506.007 provides how the MAGI is calculated:

(A)(2)Once the individual's household is established, financial eligibility is determined by using the total of all countable monthly income for each person in that individual's MassHealth MAGI or Disabled Adult household. Income of all the household members forms the basis for establishing an individual's eligibility.

(a) A household's countable income is the sum of the MAGI-based income of every individual included in the individual's household with the exception of children and tax dependents who are not expected to be required to file a return as described in 42 CFR 435.603 and 130 CMR 506.004(M).

(b) Countable income includes earned income described in 130 CMR 506.003(A) and unearned income described in 130 CMR 506.003(B) less deductions described in 130 CMR 506.003(D).

(c) In determining monthly income, the MassHealth agency multiplies average weekly income by 4.333.

(3) Five 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.

....

(C) The monthly federal-poverty-level income standards are determined according to annual standards published in the Federal Register using the following formula. The MassHealth agency adjusts these standards annually.

(1) Multiply the annual 100% figure posted in the Federal Register by the applicable federal poverty level income standard.

(2) Round these annual figures up to the nearest hundredth.

(3) Divide by 12 to arrive at the monthly income standards.

Per 130 CMR 506.003(A), countable income includes, in relevant part, "the total amount of taxable compensation received for work or services performed less pretax deductions. Earned income may include wages, salaries, tips, commissions, and bonuses."

In this case, although the appellant does not earn an income herself, she does not contest that her spouse earns approximately \$8,730.84 in gross monthly income. That amount exceeds 133% of

the federal poverty level based on the income standards for 2025, even less the 5% federal poverty level deduction, and the appellant has not been found to have a health condition that would change her applicable income standard. The appellant is, therefore, not financially eligible for MassHealth Limited. I find that MassHealth did not err in issuing the October 21, 2025, denying the appellant's application for MassHealth benefits.

For the foregoing reasons, the appeal is denied.

The appellant can direct any questions about Health Connector plans to 1-877-MA-ENROLL (1-877-623-6765), or inquiries concerning Health Safety Net to 877-910-2100.

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: Thelma Lizano, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129