

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2600616
Decision Date:	2/25/2026	Hearing Date:	02/05/2026
Hearing Officer:	Casey Groff	Record Closed:	02/17/2026

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Lorena Garcia, 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

Appeal Decision:	Approved	Issue:	Medicare Savings Programs
Decision Date:	2/25/2026	Hearing Date:	02/05/2026
MassHealth's Rep.:	Lorena Garcia	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Tewksbury MassHealth Enrollment Center; In-Person	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

On 1/12/26, the Appellant filed a timely appeal to challenge two MassHealth notices: (1) a 11/15/25 notice terminating the Appellant's Medicare Savings Programs (MSP) benefit effective 12/1/25, and (2) a 1/8/26 approval notice, reinstating her MSP benefit effective 1/1/26. *See Exhs. 1-3.* An agency's action to deny or limit the scope of assistance is valid grounds for appeal. *See* 130 CMR 610.032.

Action Taken by MassHealth

MassHealth ended the Appellant's MSP benefit effective 12/1/25 and subsequently reinstated her MSP benefit starting 1/1/26.

Issue

The appeal issue is whether the Appellant is entitled to MSP benefits for December 2025.

Summary of Evidence

The Appellant is under the age of [REDACTED] and is in a household size of one (1). On 11/15/25, MassHealth notified the Appellant that she was no longer eligible for Medicare Savings Programs (MSP) benefits because her countable income was over the program limit. The notice stated that effective 12/1/25, MassHealth would no longer pay her Medicare premium. See Exh. 1. The notice also indicated that despite the change to her MSP benefit, she remained eligible for CommonHealth. *Id.*

The MassHealth representative testified that the 11/15/25 notice was generated following an autorenewal to determine the Appellant's continued eligibility for benefits. Through this process, an electronic data match placed the Appellant above 225% of the federal poverty level (FPL), which exceeds the income limit for MSP eligibility.

On 1/8/26, MassHealth received updated income verification from the Appellant demonstrating that her income was below 225% of the FPL. That same day, MassHealth issued a notice approving the Appellant for MSP benefits effective 1/1/26. See Exh. 2.

The Appellant testified that her income remained below 225% of the FPL throughout November and December 2025 and that she should not have experienced a gap in MSP coverage for December. In support thereof, the Appellant submitted into evidence the same income documentation previously submitted to MassHealth. See Exhs. 3-4. The Appellant further testified that the Social Security Administration advised her that she would only be reimbursed for the Medicare premiums deducted from her Social Security benefit checks January 2026 going forward.

At the hearing, MassHealth indicated it would need to review whether the MSP start date could be made retroactive to 12/1/25. Pursuant to a post-hearing record-open period, MassHealth initially advised that 1/1/26 was the correct start date; however, following further communication with the MSP unit, MassHealth confirmed that the Appellant is eligible for a 12/1/25 MSP start date. See Exhs. 6-7. MassHealth further advised that the eligibility system will not reflect the retroactive adjustment, however, explained that the MSP unit processed the request for retroactive payment for December and that it will take at least three months before the member will receive the reimbursement for her December 2025 Medicare premium. See Exh. 8.

Findings of Fact

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

1. On 11/15/25, MassHealth terminated the Appellant's MSP benefit effective 12/1/25 due to a determination that her income exceeded program limits.
2. On 1/8/26, MassHealth reapproved the Appellant for MSP benefits effective 1/1/26.

3. The Appellant appealed the date of her MSP approval, asserting that coverage should have been effective 12/1/25.
4. During the record-open period, MassHealth confirmed that the Appellant is eligible for MSP retroactive to 12/1/25.

Analysis and Conclusions of Law

Under 130 CMR 610.032, the Board of Hearings has jurisdiction to review MassHealth agency determinations affecting eligibility and the scope of assistance as it pertains to applicants and members.

In this case, the Appellant filed a timely appeal challenging two MassHealth notices: a 11/15/25 notice terminating her MSP benefits effective 12/1/25, and a 1/8/26 notice approving MSP benefits effective 1/1/26. The basis for appealing each notice is the same; specifically, whether the Appellant is entitled to a retroactive MSP start date of 12/1/25 to close the one-month gap in MSP coverage.

During the record-open period, MassHealth advised that the Appellant is eligible for MSP coverage retroactive to 12/1/25. Accordingly, the dispute regarding the MSP start date has been resolved in the Appellant's favor.

Because MassHealth concedes that the Appellant is entitled to an earlier MSP start date, this appeal is APPROVED.

Order for MassHealth

If not already done, adjust the Appellant's MSP benefit start date to 12/1/25; and ensure the appropriate eligibility information is transmitted in accordance with standard MSP procedures.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

Casey Groff

Hearing Officer
Board of Hearings

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