

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2600675
Decision Date:	02/12/2026	Hearing Date:	02/09/2026
Hearing Officer:	Sharon Dehmand		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Fabienne Jeanniton, Tewksbury 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; Income
Decision Date:	02/12/2026	Hearing Date:	02/09/2026
MassHealth’s Rep.:	Fabienne Jeanniton	Appellant’s Rep.:	Pro se
Hearing Location:	Remote	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 25, 2025, MassHealth downgraded the appellant’s coverage from MassHealth Standard to Health Safety Net for a limited time and deemed her eligible for a ConnectorCare plan through the Massachusetts Health Connector because MassHealth determined that the appellant’s income exceeded the allowed threshold for MassHealth. Through a subsequent notice dated December 31, 2025, MassHealth approved the appellant for Health Safety Net for a limited time and deemed her eligible for a ConnectorCare plan. See 130 CMR 505.002; 130 CMR 506.002; 130 CMR 506.007; and Exhibit 1(A-B). The appellant filed this appeal in a timely manner on January 9, 2026. See 130 CMR 610.015(B) and Exhibit 2. Any agency action to suspend, reduce, terminate, or restrict a member’s assistance is valid grounds for appeal before the Board of Hearings. See 130 CMR 610.032(A)(3).

Action Taken by MassHealth

MassHealth downgraded the appellant’s coverage from MassHealth Standard to Health Safety net for a limited time and deemed her eligible for a ConnectorCare plan.

Issue

Whether MassHealth correctly determined that the appellant is not eligible for MassHealth benefits pursuant to 130 CMR 505.002; 130 CMR 506.002; and 130 CMR 506.007.

Summary of Evidence

All parties participated telephonically. MassHealth was represented by a worker from the Tewksbury MassHealth Enrollment Center. The appellant appeared pro se and verified her identity. The following is a summary of the testimony and evidence provided at the hearing:

The MassHealth representative testified that the appellant is a tax filer who resides in a household of four, including her spouse and two children. The appellant was on MassHealth Standard from January 30, 2006 to December 31, 2025. The appellant submitted a renewal application and based on her submission, MassHealth calculated her total monthly household income as 202.95% of the federal poverty level (FPL) for a household of four. This amount exceeds the limit for MassHealth coverage which is 133% of the FPL. On November 25, 2025, MassHealth notified the appellant that her coverage would be downgraded to Health Safety Net and requested that proof of income be submitted. On December 24, 2025, the appellant submitted the requested proof of income. Based on her submission, MassHealth calculated her total household income as \$4,890.56 which consisted of her spouse's Social Security income of \$1,915.00 per month and her income of \$2,975.56 per month from employment. This figure equates to 177.53% of the FPL for a household size of four which exceeds the limit for MassHealth benefits. The income limit to receive MassHealth benefits is \$3,564.00 per month for a household of four. As a result, on December 31, 2025, MassHealth again notified the appellant that she does not qualify for MassHealth benefits. However, the appellant was approved for Health Safety Net for a limited time as well as deemed eligible for a ConnectorCare plan through the Massachusetts Health Connector.

The appellant confirmed her household size but contested her income. She stated that she works 37 hours per week at the rate of \$18.50 per hour. She acknowledged that she has not been deemed disabled but that she has number of health issues such as high blood pressure. She stated that she is the sole provider for her family as her spouse and her two children are disabled. She explained that after paying for rent and other household expenses, she is unable to afford her ConnectorCare plan. She added that her spouse should not be paying premiums for his CommonHealth coverage.

The MassHealth representative recalculated the appellant's income based on her testimony and reported that her monthly income from employment equals \$2,965.93.

Findings of Fact

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

1. The appellant is a tax filer who resides in a household of four, including her spouse and two children. (Testimony).
2. The appellant was on MassHealth Standard from January 30, 2006 to December 31, 2025. (Testimony and Exhibit 4).
3. The appellant submitted a renewal application and based on her submission, MassHealth calculated her total monthly household income as 202.95% of the federal poverty level (FPL) for a household of four. (Testimony).
4. The income limit to receive MassHealth benefits is 133% of the FPL, or \$3,564.00 per month for a household of four. (Testimony and Federal Poverty Guidelines).
5. On November 25, 2025, MassHealth downgraded the appellant's coverage from MassHealth Standard to Health Safety Net for a limited time and deemed her eligible for a ConnectorCare plan through the Massachusetts Health Connector because MassHealth determined that the appellant's income exceeded the allowed threshold for MassHealth. (Testimony and Exhibit 1A).
6. MassHealth requested that proof of income be submitted by the appellant. (Testimony).
7. On December 24, 2025, the appellant submitted the requested proof of income. (Testimony).
8. On December 31, 2025, MassHealth notified the appellant that she has been approved for Health Safety Net for a limited time as well as deemed eligible for a ConnectorCare plan through the Massachusetts Health Connector. (Testimony and Exhibit 1B).
9. At the hearing, the appellant verified her total household income as \$4,880.93 which consisted of her spouse's Social Security income of \$1,915.00 per month and her self-attested income of \$2,965.93¹ per month from employment. (Testimony).
10. The appellant has not been deemed disabled. (Testimony).

Analysis and Conclusions of Law

Generally, MassHealth regulations at 130 CMR 505.000 explain the categorical requirements **and** financial standards that must be met to qualify for a particular MassHealth coverage type. To establish eligibility for MassHealth benefits, applicants must meet both the categorical requirements **and** financial standards.

¹ In determining monthly income, the MassHealth agency multiplies average weekly income by 4.333. See 130 CMR 506.007(A)(2)(c).

These coverage types set forth at 130 CMR 505.001(A) are as follows:

- (1) MassHealth Standard - for people who are pregnant, children, parents and caretaker relatives, young adults², disabled individuals, certain persons who are HIV positive, individuals with breast or cervical cancer, independent foster care adolescents, Department of Mental Health 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) MassHealth 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) MassHealth 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.

The regulation at 130 CMR 505.002 contains the categorical requirements and financial standards for MassHealth Standard serving children, young adults, parents, caretaker relatives, people who are pregnant, disabled individuals, certain individuals with breast or cervical cancer, certain individuals who are HIV positive, independent foster-care adolescents, Department of Mental Health members, and medically frail as such term is defined in 130 CMR 505.008(F).

The eligibility requirements for parents are set forth in 130 CMR 505.002(C) and are as follows:

- (1) A parent or caretaker relative of a child younger than 19 years old is eligible for MassHealth Standard coverage if
 - (a) the modified adjusted gross income of the MassHealth MAGI household is less than or equal to 133% of the federal poverty level (FPL);
 - (b) the individual is a citizen as described at 130 CMR 504.002: U.S. Citizens or a qualified noncitizen as described in 130 CMR 504.003(A)(1): Qualified Noncitizens; and
 - (c)
 1. the parent lives with their children, and assumes primary responsibility for the child's care, in the case of a parent who is separated or divorced, has custody of their children, or has children who are absent from home to attend school; or
 2. the caretaker relative lives with children to whom they are related by blood,

² “[Y]oung adults” are defined as those aged 19 and 20. See 130 CMR 501.001.

adoption, or marriage (including stepsiblings), or is a spouse or former spouse of one of those relatives, and assumes primary responsibility for the child's care if neither parent lives in the home.

(2) The parent or caretaker relative complies with 130 CMR 505.002(M).

In this case, the appellant is a parent of a child younger than 19 years of age, so she is categorically qualified for MassHealth Standard. See 130 CMR 505.001(A); 130 CMR 505.002(C)(1). However, categorical qualification in and of itself is not enough. The appellant must also meet the financial standards as set forth in 130 CMR 505.002(C)(1)(a).

A parent who is categorically eligible for MassHealth Standard can only be financially eligible if "the modified adjusted gross income of the MassHealth MAGI household is less than or equal to 133% of the federal poverty level (FPL)." See 130 CMR 505.002(C)(1)(a); <https://www.mass.gov/doc/2025-masshealth-income-standards-and-federal-poverty-guidelines>.

To determine financial eligibility pursuant to 130 CMR 506.007(A), MassHealth must construct a household as described in 130 CMR 506.002(B) for each individual who is applying for or renewing coverage. MAGI household composition rules used to determine member eligibility are the following:

- (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.

See 130 CMR 506.002(B).

Here, the appellant testified and MassHealth verified that she lives in a household of four including her spouse and two children. She is a tax filer. Thus, for the purposes of this appeal, the appellant meets the MAGI rules for a household of four.

Once the individual's household size is established, her MassHealth MAGI household income is determined in the following manner:

- (2)....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(K).

(b) Countable income includes earned income described in 130 CMR 506.003(A) and unearned income described in 130 CMR 506.003(B)³ 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.

See 130 CMR 506.007(A).

Based on the appellant's testimony, her total household income is \$4,880.93 per month. Per MAGI rules as explained supra, to determine eligibility of the individual under the coverage type with the highest income standard, five percentage points of the current FPL is subtracted from the applicable household's total countable income. See 130 CMR 506.007(A). For a household of four, 5 percentage points of the current FPL equals \$134.00 per month. After deducting five percentage points of the FPL from the appellant's total household income (\$4,880.93-\$134.00), the appellant's countable income equals \$4,746.93 per month. Based on the current MassHealth Income Standards and Federal Poverty Guidelines, the income limit for MassHealth benefits is 133% of the FPL, or \$3,564.00 per month for a household of four.

Thus, the appellant's MAGI household income is over the threshold limit for MassHealth benefits. As such, MassHealth correctly determined that the appellant's income exceeds the allowable threshold limit for MassHealth benefits. Since the appellant's income exceeds 133% of the FPL, the appellant is not financially eligible for MassHealth Standard benefits.

Additionally, under federal law, the following deductions are allowed when calculating MAGI countable income. Changes to federal law may impact the availability of these deductions:

- (1) educator expenses;
- (2) reservist/performance artist/fee-based government official expenses;

³ Pursuant to 130 CMR 506.003(B), countable income includes, in relevant part, unearned income, which "may include, but is not limited to, social security benefits, railroad retirement benefits, pensions, annuities, certain trusts, interest and dividend income, state or local tax refund for a tax you deducted in the previous year, and gross gambling income."

- (3) health savings account;
- (4) moving expenses, for the amount and populations allowed under federal law;
- (5) one-half self-employment tax;
- (6) self-employment retirement account;
- (7) penalty on early withdrawal of savings;
- (8) alimony paid to a former spouse for individuals with alimony agreements finalized on or before December 31, 2018. Alimony payments under separation or divorce agreements finalized after December 31, 2018, or pre-existing agreements modified after December 31, 2018, are not deductible;
- (9) individual retirement account (IRA);
- (10) student loan interest;
- (11) scholarships, awards, or fellowships used solely for educational purposes; and
- (12) other deductions described in the Tax Cut and Jobs Act of 2017, Public Law 115-97 for as long as those deductions are in effect under federal law.

See 130 CMR 506.003(D).

The appellant testified that she has not been deemed disabled but that she has number of health issues such as high blood pressure. She stated that she is the sole provider for her family as her spouse and her two children are disabled. She explained that after paying for rent and other household expenses, she is unable to afford her ConnectorCare plan.⁴ Based on the aforementioned, the appellant argued that she should qualify for MassHealth coverage. Since customary life expenses do not fall within the allowable deductions enumerated in 130 CMR 506.003 (D), they cannot be considered as deductions.

Consequently, MassHealth correctly determined that the appellant's total household income exceeded the allowable threshold limit for MassHealth benefits, and the appellant did not present any evidence to prove that MassHealth's decision was incorrect. See Craven v. State Ethics Comm'n, 390 Mass. 191, 200 (1983)("[p]roof by a preponderance of the evidence is the standard generally applicable to administrative proceedings").

For the foregoing reasons, this appeal is DENIED.

Order for MassHealth

None.

⁴ The appellant complained that her spouse should not be paying premiums for his CommonHealth coverage which is outside the scope of this hearing and as such will not be addressed.

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.

Sharon Dehmand, Esq.
Hearing Officer
Board of Hearings

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290