

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



**Appeal Decision:** DISMISSED

**Appeal Number:** 2112387

**Decision Date:** 8/15/2022

**Hearing Date:** 04/29/2022

**Hearing Officer:** Kenneth Brodzinski

**Appearance for Appellant:**



**Appearance for MassHealth:**

Kim McAvinchey



*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

<b>Appeal Decision:</b>	DISMISSED	<b>Issue:</b>	Verifications
<b>Decision Date:</b>	8/15/2022	<b>Hearing Date:</b>	04/29/2022
<b>MassHealth's Rep.:</b>	Kim McAvinchey	<b>Appellant's Rep.:</b>	Conservator
<b>Hearing Location:</b>	Taunton MEC		

## 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 January 28, 2021, MassHealth denied Appellant's application for MassHealth Long Term due to failing to provide MassHealth with requested financial verifications (Exhibit A). Appellant filed for this appeal in a timely manner on March 26, 2021 (see 130 CMR 610.015(B) and Exhibit A). Denying an application for benefits constitutes valid grounds for appeal (see 130 CMR 610.032).<sup>1</sup>

At hearing Appellant's Conservator requested additional time to file with MassHealth all required verifications. The request was granted. Appellant timely filed verifications (Exhibit C). In response, MassHealth indicated that the documentation was sufficient, and approved Appellant's LTC application (Exhibit E).

On July 25, 2022, the hearing officer solicited Appellant's Conservator via email to either withdraw the appeal or advise if there were any issues left for the Board to decide (Exhibit E). Seventeen days have passed with no reply from Appellant's Conservator.

Insofar as MassHealth has received all requested verifications, approved Appellant's LTC application and Appellant has presented no further issue in dispute, there is nothing left for this Board to decide. Accordingly, the appeal is DISMISSED (130 CMR 610.035(A)(8)).

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<sup>1</sup> A hearing was delayed due to an initial dismissal, a Court-ordered remand and a Court-ordered appointment of a Conservator all of which were delayed by the Covid pandemic. A hearing was ultimately held on April 29, 2022, after which the record was left open until May 31, 2022.

## 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.

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Kenneth Brodzinski  
Hearing Officer  
Board of Hearings

cc:

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

Appellant's Representative: [REDACTED]  
[REDACTED]