

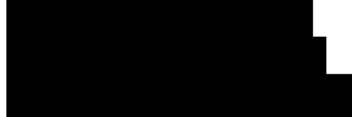
# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2177921
<b>Decision Date:</b>	4/05/2022	<b>Hearing Date:</b>	12/15/2021
<b>Hearing Officer:</b>	Rebecca Brochstein	<b>Record Open Date:</b>	03/31/2022

**Appearances for Appellant:**



**Appearances for MassHealth:**

Kristin McMahon, Tewksbury MEC  
Michael Somers, Esq.



*Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street  
Quincy, MA 02171*

## APPEAL DECISION

<b>Appeal Decision:</b>	Dismissed	<b>Issue:</b>	Long-term care eligibility
<b>Decision Date:</b>	4/05/2022	<b>Hearing Date:</b>	12/15/2021
<b>MassHealth's Reps.:</b>	Kristin McMahon Michael Somers	<b>Appellant's Reps.:</b>	
<b>Hearing Location:</b>	Board of Hearings (Remote)		

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder. The issue on appeal involved a denial of the appellant's long-term care application for excess assets. Specifically, MassHealth found assets in a trust to be countable to the appellant. At hearing, the appellant's counsel argued that the real property in the trust (located out of state) is inaccessible to her because it is owned jointly with an uncooperative family member. MassHealth argued that it is in fact legally accessible to her.

The record was held open for the parties to seek a mutually agreeable resolution. During the record-open period, the MassHealth attorney proposed that the agency could consider the trust assets temporarily inaccessible if the appellant demonstrated that she had filed suit to seek her share of the property. The appellant agreed to this arrangement and, thereafter, provided the necessary documentation. At the close of the record-open period, the appellant's attorney reported that the application had been approved and that there is no further issue for resolution in this appeal.

As the issue on appeal has been resolved by agreement of the parties, the appeal is dismissed.

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Rebecca Brochstein  
Hearing Officer  
Board of Hearings

cc: Tewksbury MEC

