

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2178881
<b>Decision Date:</b>	02/15/2022	<b>Hearing Date:</b>	12/23/2021
<b>Hearing Officer:</b>	Sara E. McGrath	<b>Record Open Date:</b>	01/31/2022

**Appearance for Appellant:**



**Appearance for MassHealth:**

Gessica Brunot, Chelsea MassHealth



*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>	Denied	<b>Issue:</b>	Excess Assets
<b>Decision Date:</b>	02/15/2022	<b>Hearing Date:</b>	12/23/2021
<b>MassHealth Rep.:</b>	Gessica Brunot	<b>Appellant Rep.:</b>	
<b>Hearing Location:</b>	Board of Hearings (Remote)		

## Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

## Jurisdiction

Through notice dated September 28, 2021, MassHealth denied the appellant's application for benefits due to excess assets (Exhibit 1). The appellant filed an appeal in a timely manner on November 24, 2021 (Exhibit 1). Denial of assistance is a valid ground for appeal (130 CMR 610.032). At the conclusion of the hearing, the record was held open until January 31, 2022 for the appellant to submit additional information and for MassHealth to review and respond (Exhibit 3).<sup>1</sup>

## Action Taken by MassHealth

MassHealth denied the appellant's application for benefits due to excess assets.

## Issue

The appeal issue is whether the appellant's assets exceed MassHealth's program limits.

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<sup>1</sup> The appellant's representative noted at the beginning of the hearing that on December 17, 2021, she called the Board of Hearings to request that the hearing be rescheduled. She did not hear back from the Board and assumed that the request had been granted. The hearing officer did not have any information about a reschedule request and decided to go forward with the hearing.

## Summary of Evidence

The MassHealth representative appeared at the hearing by telephone and testified in summary as follows: In [REDACTED], the appellant was admitted to a skilled nursing facility. On August 3, 2021, the appellant submitted a MassHealth application, seeking a coverage start date of September 2, 2021. On September 28, 2021, MassHealth denied the application due to excess assets.<sup>2</sup> The notice indicates that the appellant has assets totaling \$15,223.12, which is \$13,233.12 over the \$2,000 asset limit (Exhibit 1). The MassHealth representative explained that as of August 2021, the appellant owned bank assets totaling \$13,241.53, and life insurance assets totaling \$1,981.59. In [REDACTED], the appellant was discharged from the nursing facility.

The appellant's representative did not dispute MassHealth's asset calculation and indicated that the appellant has partially spent down the assets. She asked for additional time to finalize the spend down of the assets. The record was held open to allow for this (Exhibit 3). After the record closed, MassHealth notified the parties that the appellant had not submitted any further asset information (Exhibit 4).

## Findings of Fact

Based on a preponderance of the evidence, I find as follows:

1. In [REDACTED], the appellant was admitted to a skilled nursing facility.
2. In August 2021, the appellant owned bank assets totaling \$13,241.53 and life insurance assets totaling \$1,981.59.
3. On August 3, 2021, the appellant submitted a MassHealth application, seeking a coverage start date of September 2, 2021.
4. On September 28, 2021, MassHealth denied the application due to excess assets.
5. On November 24, 2021, appellant filed a timely appeal with the Board of Hearings.
6. In [REDACTED] the appellant was discharged from the nursing facility.

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<sup>2</sup> The notice also states that the appellant is not eligible because she gave away or sold assets to become eligible for MassHealth (Exhibit 1). In light of this decision's focus on excess assets, the transfer issue need not be addressed at this time.

## **Analysis and Conclusions of Law**

The total value of countable assets owned by or available to an individual applying for MassHealth benefits may not exceed \$2,000 (130 CMR 520.003(A)(1)). MassHealth has taken the position that the appellant's assets exceed the \$2,000 limit by \$13,223.12; the appellant appealed this determination.

The record reflects that as of August 2021, the appellant's assets exceeded MassHealth program limits. Despite an opportunity after the hearing to demonstrate otherwise, the appellant has not shown that she was asset eligible for MassHealth benefits at any point during her admission (130 CMR 520.003).

The appeal is denied.

## **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.

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Sara E. McGrath  
Hearing Officer  
Board of Hearings

cc: Chelsea MassHealth

[REDACTED]