

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2179693
<b>Decision Date:</b>	02/02/2022	<b>Hearing Date:</b>	01/10/2022
<b>Hearing Officer:</b>	Rebecca Brochstein		

**Appearances for Appellant:**



**Appearances for MassHealth:**

Yadira Rodriguez, Springfield MEC



*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>	Eligibility
<b>Decision Date:</b>	02/02/2022	<b>Hearing Date:</b>	01/10/2022
<b>MassHealth Rep.:</b>	Yadira Rodriguez, Springfield MEC	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Board of Hearings (Remote)	<b>Aid Pending:</b>	No

### Authority

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

### Jurisdiction

Through a notice dated December 10, 2021, MassHealth notified the appellant that she is not eligible for MassHealth because she has more countable assets than MassHealth benefits allow (Exhibit 1). The appellant filed a timely appeal on December 27, 2021 (Exhibit 2). Denial of benefits is a valid basis for appeal (130 CMR 610.032).

### Action Taken by MassHealth

MassHealth denied the appellant's application for benefits because of excess assets.

### Issue

The appeal issue is whether MassHealth was correct in determining that the appellant is financially ineligible for MassHealth benefits.

## **Summary of Evidence**

An eligibility worker from the Springfield MassHealth Enrollment Center appeared at the hearing telephonically and testified as follows: The appellant, who is over the age of 65, filed a request for MassHealth benefits. MassHealth reviewed her financial information and determined that she has assets totaling \$32,204.53. Because this is over the limit of \$2,000 for individuals over 65, MassHealth denied her application for benefits. She was approved for the Health Safety Net. The MassHealth representative stated that she spoke to the appellant in preparation for the hearing and explained how she can access assistance through the Health Safety Net.

The appellant appeared at the hearing telephonically and testified on her own behalf. She also submitted a letter with her request for hearing, setting forth the basis of her appeal as follows:

I am appealing your decision because I have grave extenuating circumstances. As an American citizen living in Beirut Lebanon I was forced to relocate back to the U.S. due to the extreme civil and economic unrest Lebanon is experiencing.

I left about a year and a half ago and have struggled to extract any and all money out of Lebanon. The \$32,000 in my bank account is the ONLY money I have to live on for the foreseeable future as I have no income and no assets and am not eligible for Social Security benefits or Medicare coverage.

I am now alternating between my children's houses and relying on them for support which is putting a strain on them. This is essentially a cry for help as I am 67 years old and feel that I need coverage for health needs if or when they should come up and I have none and no other resources available to me due to my financial situation. I am essentially a refugee in my own country. (Exhibit 2)

At hearing, the appellant stated that she understands the asset limit is \$2,000, but argued that hers is "not a normal situation." She testified that she has no income, no house, and no car. The appellant emphasized that she has been unable to get any other assets out of Lebanon.

## **Findings of Fact**

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

1. The appellant is over the age of 65 and has a family group of one.
2. The appellant filed a request for MassHealth benefits.
3. The appellant verified her assets at \$32,204.53, consisting of funds in a bank account.
4. The asset limit for a family of one is \$2,000 for MassHealth Standard.

5. On December 10, 2021, MassHealth notified the appellant that she is not eligible for MassHealth benefits because her assets are over the regulatory limit. She was approved for the Health Safety Net.
6. On December 27, 2021, the appellant filed a timely appeal of the MassHealth notice.

### **Analysis and Conclusions of Law**

The eligibility criteria for community residents who are age 65 and older are found at 130 CMR 519.005. Part (A) of that regulation states that except as provided in 130 CMR 519.005(C)<sup>1</sup>, noninstitutionalized individuals 65 years of age and older may establish eligibility for MassHealth Standard coverage provided they meet the following requirements:

- (1) the countable income amount, as defined in 130 CMR 520.009: *Countable-income Amount*, of the individual or couple is less than or equal to 100% of the federal poverty level; and
- (2) the countable assets of an individual are \$2,000 or less, and those of a married couple living together are \$3,000 or less.

Based on the financial information that the appellant provided, she is not eligible for any MassHealth assistance.<sup>2</sup> Even if she does not have income, her assets are well above the \$2,000 limit for MassHealth eligibility. Though the appellant has difficult personal circumstances that pose a financial burden on her, the regulations do not offer a hardship exception to the asset rules.

This appeal is denied.

### **Order for MassHealth**

None.

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<sup>1</sup> The exceptions in section (C) are reserved for parents and caretaker relatives of children under age 19.

<sup>2</sup> The appellant indicated that she is not eligible for Medicare coverage. Even if she did have Medicare, she would also be over the asset limit for the MassHealth Buy-In programs (under which MassHealth pays the member's Medicare Part B premium). See 130 CMR 519.010, 519.011.

## **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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Rebecca Brochstein  
Hearing Officer  
Board of Hearings

cc: Springfield MEC