

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Denied

Appeal Number: 2179809

Decision Date: 03/04/2022

Hearing Date: 01/10/2022

Hearing Officer: Sara E. McGrath

Appearance for Appellant:



Appearance for MassHealth:

Cassandra Moura, Taunton 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

Appeal Decision:	Denied	Issue:	Excess Assets
Decision Date:	03/04/2022	Hearing Date:	01/10/2022
MassHealth Rep.:	Cassandra Moura	Appellant Rep.:	
Hearing Location:	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 November 9, 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 December 30, 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 February 9, 2022 for the appellant to submit additional information and for MassHealth to review and respond (Exhibit 3).

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.

Summary of Evidence

The MassHealth representative appeared at the hearing by telephone and testified in summary as follows: The appellant is a resident of a skilled nursing facility. On August 17, 2021, the appellant submitted a MassHealth conversion application, seeking a coverage start date of October 8, 2021. On November 9, 2021, MassHealth denied the application due to excess assets. The notice indicates that the appellant has assets totaling \$7,897.81, which is \$5,897.81 over the \$2,000 asset limit (Exhibit 1). The MassHealth representative explained that as of November 2021, the appellant owned bank assets totaling \$7,897.81.

The appellant's representative did not dispute MassHealth's asset calculation. 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). The appellant's representative then confirmed that the appellant had not spent down the excess assets (Exhibit 4).

Findings of Fact

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

1. The appellant is a resident of a skilled nursing facility.
2. On August 17, 2021, the appellant submitted a MassHealth conversion application, seeking a coverage start date of October 8, 2021.
3. In November 2021, the appellant owned bank assets totaling \$7,897.81.
4. On November 9, 2021, MassHealth denied the application due to excess assets.
5. On December 30, 2021, appellant filed a timely appeal with the Board of Hearings.

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 \$5,897.81; the appellant appealed this determination.

The record reflects that as of November 2021, the appellant's assets exceeded MassHealth program limits. Despite an opportunity after the hearing to demonstrate otherwise, the appellant has not shown that he is asset-eligible for MassHealth benefits (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.

Sara E. McGrath
Hearing Officer
Board of Hearings

cc: Taunton MassHealth

