

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2202083
<b>Decision Date:</b>	5/2/2022	<b>Hearing Date:</b>	April 21, 2022
<b>Hearing Officer:</b>	Brook Padgett		

**Appellant Representative:**

Pro se

**MassHealth Representative:**

Melissa Zarella



*Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street, 6<sup>th</sup> floor  
Quincy, MA 02171*

# APPEAL DECISION

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	130 CMR 520.003 130 CMR 520.009
<b>Decision Date:</b>	5/2/2022	<b>Hearing Date:</b>	April 21, 2022
<b>MassHealth Rep.:</b>	M. Zarella	<b>Appellant Rep.:</b>	Pro se
<b>Hearing Location:</b>	Springfield		

## Authority

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

## Jurisdiction

The Appellant received a notice dated March 10, 2022 stating MassHealth has decided you are not eligible for MassHealth because you have more countable assets than MassHealth benefits allow (130 CMR 520.003, 520.004, Exhibit 1).

The Appellant file a timely appeal on March 21, 2020. (130 CMR 610.015(B); Exhibit 2).

Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

## Action Taken by MassHealth

The Appellant's request for MassHealth benefits were denied because his income and assets were over the program limit.

## Issue

Did MassHealth correctly determine the Appellant's eligibility?

## **Summary of Evidence**

MassHealth testified the Appellant, who is over 65 years of age, submitted a MassHealth application on February 24, 2022, which was processed on March 10, 2022, and denied as the Appellant was over asset and income standard for eligibility. MassHealth stated that to be determined eligible for MassHealth benefits a single individual must have under \$2,000.00 in assets and less than \$1,133.00 a month in income (100% of the federal poverty level) for MassHealth Standard and \$1,869.00 a month in income (165% of the federal poverty level) to receive MassHealth Buy-In coverage. MassHealth indicated the Appellant was initially determined over asset by \$114,000.00; however, this account was verified and is no longer being counted by MassHealth. MassHealth stated the Appellant currently has countable assets of \$2,025.00 and countable income of \$1,923.00 (Social Security) (168% of the federal poverty level). Based on the submitted income and assets MassHealth determined the Appellant to be over both the income and the asset limits and denied MassHealth benefits. MassHealth informed the Appellant that to receive MassHealth benefits could either meet a deductible of \$6,970.00, complete and be approved for a Frail Elder Waiver or submit verification of employment of more than 40 hours per month. (Exhibit 4).

The Appellant stated he does not require any assistance at home and would be ineligible for the Frail Elder Waiver. He is also unable to work so cannot provide verification of employment. The Appellant argued he is trying to get coverage for a \$5,000.00 bill he received from the hospital after a recent visit. The Appellant maintained he only receives \$1,700.00 in Social Security and not \$1,900.00.

MassHealth responded that the regulations require MassHealth use the Social Security gross not the net after deduction of the \$170.00 for Medicare Part B.

## **Findings of Fact**

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

1. The Appellant is over 65 years of age and lives in a family group of one. (Testimony).
2. The Appellant submitted verification of his income and assets. (Exhibit 4).
3. The Appellant has assets of \$2,025.00. (Exhibit 4 and Testimony).
4. The Appellant has countable gross Social Security income of \$1,923 (168% of the federal poverty level) (Exhibit 4 and Testimony).

## **Analysis and Conclusions of Law**

The regulations at 130 CMR 515.000 through 523.000 provide the requirements for MassHealth eligibility for non-institutionalized persons over age 65. (130 CMR 515.002). A non-institutionalized person age 65 and older may establish eligibility for MassHealth standard coverage if the countable income is less than or equal to 100% of the federal poverty level and the countable assets are \$2,000.00 or less for a single person. (130 CMR 520.003(A)(1)).

The federal poverty level for one person is \$1,133.00 per month (130 CMR 520.009). The evidence demonstrates and the Appellant acknowledged receiving monthly countable unearned income of \$1,923.90 (168% of the federal poverty level). The Appellant is therefore over 100% of the federal poverty level.

Countable assets are all assets that must be included in the determination of eligibility (130 CMR 520.007) including bank accounts that the applicant or member has both ownership and access to the funds. MassHealth requires verification of the current balance of each account at application, during eligibility review and at times of reported changes. (130 CMR 520.007(B)(2) and (3)).

The total value of countable assets owned by or available to individuals applying for or receiving MassHealth Standard, Basic or Limited may not exceed \$2,000.00 for an individual (130 CMR 520.003(A)(1)). The Appellant acknowledged having countable asset of \$2,025.00. The Appellant is therefore over the \$2,000.00 program limit for an individual.

MassHealth properly determined the Appellant currently has income and assets in excess of the program limits and this 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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Brook Padgett  
Hearing Officer  
Board of Hearings

cc: MassHealth representative: Springfield MEC

