

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	DISMISSED	<b>Appeal Number:</b>	2202221
<b>Decision Date:</b>	8/15/2022	<b>Hearing Date:</b>	04/27/2022
<b>Hearing Officer:</b>	Kenneth Brodzinski	<b>Record Open to:</b>	06/10/2022

**Appearance for Appellant:**



**Appearance for MassHealth:**

Jennifer Moreno



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

# APPEAL DECISION

<b>Appeal Decision:</b>	DISMISSED	<b>Issue:</b>	Countable Assets
<b>Decision Date:</b>	8/15/2022	<b>Hearing Date:</b>	04/27/2022
<b>MassHealth's Rep.:</b>	Jennifer Moreno	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Springfield MEC		

## Authority

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

## Jurisdiction

Through a notice dated February 15, 2022, MassHealth approved Appellant's application for MassHealth Long Term Care benefits with a start date of October 13, 2021 derived from a Haley calculation which included a particular bank account (account) among the countable excess assets (Exhibit A). Appellant filed this appeal in a timely manner on March 23, 2022 (see 130 CMR 610.015(B) and Exhibit A). Determining an eligibility start date constitutes valid grounds for appeal (see 130 CMR 610.032).

At hearing Appellant argued that the account should not be countable as it did not contain Appellant's funds. The record was left open to allow Appellant to file documentation with MassHealth to support his position. Documentation was timely filed (Exhibit D). In response, MassHealth indicated that the documentation was sufficient, removed the account from the countable excess assets and adjusted the start date to September 23, 2021 (Exhibit E).

On July 25, 2022, the hearing officer solicited Appellant's counsel via email to either withdraw the appeal or advise if there were any issues left for the Board to decide (Exhibit E). Seventeen days have passed with no reply from Appellant's counsel.

Insofar as MassHealth has removed the contested account from the countable excess assets, adjusted the start date and Appellant has presented no further issue in dispute, there is nothing left for this Board to decide. Accordingly, the appeal is DISMISSED (130 CMR 610.035(A)(8)).

## **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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Kenneth Brodzinski  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center,  
88 Industry Avenue, Springfield, MA 01104, 413-785-4186

Appellant Representative: [REDACTED]  
[REDACTED]