

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2301515
<b>Decision Date:</b>	6/5/2023	<b>Hearing Date:</b>	03/21/2023
<b>Hearing Officer:</b>	Paul C. Moore	<b>Record Closed:</b>	05/11/2023

**Appearances for Appellant:**



**Appearance for MassHealth:**

Mary-Kate Frangules, Tewksbury MassHealth  
Enrollment Center (by telephone)


**Cantonese Interpreter:**

Agnes, Interpreters and Translators, Inc.



*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>	Dismissed	<b>Issue:</b>	Eligibility
<b>Decision Date:</b>	6/5/2023	<b>Hearing Date:</b>	03/21/2023
<b>MassHealth Rep.:</b>	Mary-Kate Frangules	<b>Appellant Reps.:</b>	
<b>Hearing Location:</b>	Board of Hearings (remote)		

### Procedural Background

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder. The issue on appeal was MassHealth's January 30, 2023 denial of the appellant's December, 2022 MassHealth application due to excess assets (Exhibit 1). The appellant timely appealed to the Board of Hearings (BOH) on February 21, 2023 (Exhibit 2; 130 CMR 610.015(B)).

At the hearing held on March 21, 2023, the appellant, through his appeal representative, indicated that he had reduced assets by surrendering a life insurance policy and using the proceeds to purchase a pre-paid burial/funeral arrangement. The appellant also indicated an intent to apply for the MassHealth Frail Elder Waiver.<sup>1</sup> On May 11, 2023, MassHealth indicated that corroborative documentation of the appellant's spend-down of his excess assets had been received, and that he is now approved for MassHealth Standard (Exhibit 4).<sup>2</sup>

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<sup>1</sup> In order to qualify for the Frail Elder Waiver, the appellant must also be financially eligible for MassHealth Standard (130 CMR 519.007(B)(2)(b) and (c)).

<sup>2</sup> The MassHealth representative did not indicate whether a notice of clinical eligibility for the Frail Elder Waiver (FEW) had been received by MassHealth. The appellant will receive a separate notice of clinical eligibility or ineligibility for the FEW, if he has applied for same. He would have separate appeal rights to the Board of Hearings as to this notice.

As the issue on appeal has been resolved, this matter is DISMISSED pursuant to 130 CMR 610.051(B).

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Paul C. Moore  
Hearing Officer  
Board of Hearings

  
cc: Sylvia Tiar, Appeals Coordinator, Tewksbury MEC, 367 East Street, Tewksbury, MA 01876