

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2302494
<b>Decision Date:</b>	5/9/2023	<b>Hearing Date:</b>	04/27/2023
<b>Hearing Officer:</b>	Sara E. McGrath		

**Appearance for Appellant:**



**Appearances for MassHealth:**

Heather Prunier, Tewksbury 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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Eligibility
<b>Decision Date:</b>	5/9/2023	<b>Hearing Date:</b>	04/27/2023
<b>MassHealth Rep.:</b>	Heather Prunier	<b>Appellant Rep.:</b>	Pro se
<b>Hearing Location:</b>	Board of Hearings, Quincy		

### 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 March 7, 2023, MassHealth denied the appellant's application for MassHealth benefits due to excess assets (Exhibit 1). The appellant filed an appeal in a timely manner on March 27, 2023 (Exhibit 1). The denial of assistance is a valid ground for appeal (130 CMR 610.032).

### Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth 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 phone and testified in summary as follows: The appellant is over the age of 65 and lives in the community. Until the issuance of the notice on appeal, the appellant's case had not been updated since February 2016.<sup>1</sup> At that time, the appellant, or someone on his behalf, submitted a renewal application. MassHealth subsequently determined that the appellant and his wife were not eligible for MassHealth benefits because their assets exceeded MassHealth's program limits. The appellant's wife passed away in September 2016. In March 2023, MassHealth's computer system issued the notice on appeal, informing the appellant that he is not eligible for MassHealth benefits because his assets exceed MassHealth's program limits by \$70,617.07 (Exhibit 1). The MassHealth representative explained that because the appellant has not submitted updated asset information since 2016, the notice on appeal lists the same assets that had been verified in 2016. Specifically, MassHealth had previously verified a bank checking account with a balance of \$2,572.83, a credit union account with a balance of \$65,015.14, a second credit union account with a balance of \$5.01, and a third credit union account with a balance of \$6,310.50 (Exhibit 3). Without updated financial information, MassHealth used the outdated figures and determined that the appellant is not currently eligible for MassHealth.

The appellant appeared at hearing by phone and explained that he does not ever remember applying for MassHealth. He did not want MassHealth benefits in the past, and he does not want these benefits now. Further, he explained that he never owned assets to the extent described above, and would like MassHealth to verify where it obtained its information. The MassHealth representative explained that the asset information was verified by someone on the appellant's (or his wife's) behalf in 2016. She offered to send to the appellant a computer screen print-out with details about each account and its 2016 balance.

## **Findings of Fact**

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

1. The appellant is over the age of 65 and lives in the community.
2. The appellant, or someone on the appellant's behalf, last submitted a MassHealth renewal application in 2016.
3. The 2016 renewal application included verification of the appellant's assets (over \$70,000.00).

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<sup>1</sup> The record does not clarify why MassHealth made this determination now, other than testimony from the MassHealth representative that the pandemic created some delays.

4. In 2016, MassHealth determined that the appellant and his wife were not eligible for MassHealth benefits because their assets exceeded MassHealth's program limits.
5. Since 2016, the appellant has not submitted updated asset information to MassHealth.
6. On March 7, 2023, MassHealth's computer system issued the notice on appeal, informing the appellant that he is not eligible for MassHealth benefits because his assets exceed MassHealth's program limits by \$70,617.07.
7. On March 27, 2023, the appellant timely appealed the MassHealth denial notice.

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

The total value of countable assets owned by or available to an individual applying for or MassHealth Standard, Family Assistance, or Limited benefits may not exceed \$2,000 (130 CMR 520.003(A)). The appellant has indicated that he does not want MassHealth benefits at this time. Regardless, because there is no evidence that the appellant's assets are below the \$2,000 program limit, MassHealth's determination is correct, and 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.

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Sara E. McGrath  
Hearing Officer  
Board of Hearings

cc:

Tewksbury MassHealth Enrollment Center Appeals Coordinator