

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2303047
<b>Decision Date:</b>	5/22/2023	<b>Hearing Date:</b>	05/16/2023
<b>Hearing Officer:</b>	Mariah Burns		

**Appearance for Appellant:**  
Pro se

**Appearance for MassHealth:**  
Lindsey Carney, Tewksbury MassHealth  
Enrollment Center

**Interpreter:**  
Jody



*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>	Denied	<b>Issue:</b>	Eligibility - Assets
<b>Decision Date:</b>	5/22/2023	<b>Hearing Date:</b>	05/16/2023
<b>MassHealth's Rep.:</b>	Lindsey Carney	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Remote	<b>Aid Pending:</b>	No

### 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 April 3, 2023, MassHealth denied the appellant's application for MassHealth benefits because MassHealth determined that the appellant had more countable assets than is allowed (see 130 CMR 520.003 and Exhibit 1). The appellant filed this appeal in a timely manner on April 14, 2023 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

### Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth benefits.

### Issue

The appeal issue is whether MassHealth was within its discretion in determining that the appellant possesses assets that exceed the allowed regulatory maximum.

### Summary of Evidence

The appellant is an adult over the age of 65, appeared at hearing telephonically, and testified with the assistance of an interpreter. MassHealth was represented by a worker from the Tewksbury

MassHealth Enrollment Center (MEC) who also appeared by telephone.

The MassHealth worker reported that on March 20, 2023, the appellant's senior application was processed. On April 3, 2023, MassHealth issued a denial for senior benefits, as MassHealth was able to verify \$24,000 in bank account balances, exceeding the \$2,000 asset limit. The bank account balances were able to be verified through documentation submitted by the appellant, as well as through the "AVS" system to which the worker has access. As of March 10, 2023, the appellant's account balances were as follows:

- [REDACTED] : \$2,588.00
- [REDACTED] : \$5,017.00
- [REDACTED] : \$1303.00
- [REDACTED] : \$15,416.00

The MassHealth worker was also able to apply some retroactive coverage for the appellant until the hearing date, May 16, as she was transitioning from the under 65 system into the over 65 system. However, the MassHealth worker reported that the appellant's post-federal public health emergency (FPHE) redetermination had already been processed, and because the notice issued after April 1, 2023, additional pandemic protections could not be put in place.

The appellant confirmed the existence of the four accounts referenced by the MassHealth worker, but reported that she currently has significantly less money in each of those accounts. She also confirmed that she did, at one time, have as much money as the MassHealth worker described in her accounts. However, she reported that the large sum was due to money she borrowed from friends and has since paid a large part of that back. The appellant was encouraged to submit new bank statements to MassHealth as soon as possible so a new eligibility determination can occur.

## Findings of Fact

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

1. The appellant is a single adult who does not have dependent children and is over the age of 65. Testimony, Exhibit 2, Exhibit 4.
2. MassHealth processed the appellant's senior application for benefits on March 20, 2023. Testimony.
3. On April 3, 2023, MassHealth denied the appellant's application for benefits due to her possessing more assets than regulations allow. Testimony, Exhibit 2.
4. As of March 10, 2023, the appellant was in possession of [REDACTED] bank accounts the balance of which totaled approximately \$24,324. Testimony.

5. The appellant does not dispute that she possessed that much money at the time of her application, but asserts that she has since spent down a large portion of the balance. She did not submit updated bank statements to the hearing record that reflect such a spend down. Testimony.

## **Analysis and Conclusions of Law**

MassHealth administers and is responsible for delivery of healthcare benefits to MassHealth members. See 130 CMR 515.002. Eligibility for MassHealth benefits differs depending on an applicant's age. 130 CMR 515.000 through 522.000 (referred to as Volume II) provide the requirements for non-institutionalized persons aged 65 or older, institutionalized persons of any age, persons who would be institutionalized without community-based services, as defined by Title XIX of the Social Security Act and authorized by M.G.L. c. 118E, and certain Medicare beneficiaries. 130 CMR 515.002(B). As the appellant is over 65 years old, she is subject to the requirements of the provisions of Volume II. 130 CMR 515.002. To determine a senior's eligibility for MassHealth, the total countable-income amount and countable assets of the individual is compared to an income standard and asset limit. Specifically, with respect to assets, "[t]he total value of countable assets owned by or available to individuals applying for or receiving MassHealth Standard" may not exceed \$2000 for an individual and \$3000 for certain couples living together in the community. See 130 CMR 520.003(A). Such assets included the balance of "savings, checking, or trust accounts, term certificates, or other types of accounts." 130 CMR 520.007(B)(1).

In this case, the appellant does not dispute that at the time she was evaluated for eligibility for benefits, the total balance of her four bank accounts exceeded \$2000, the limit for a single person. Although she says that she has since spent the money down, she did not provide updated bank statements to be incorporated into the hearing record. This does not preclude her from presenting those updated statements to MassHealth going forward, but for purposes of this hearing, MassHealth was correct in denying the appellant's request for benefits. 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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Mariah Burns  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290