

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2304828
<b>Decision Date:</b>	7/19/2023	<b>Hearing Date:</b>	06/28/2023
<b>Hearing Officer:</b>	David Jacobs		

**Appellant Representative:**



**MassHealth Representative:**

Christopher Champagne, Springfield MEC



*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>	7/19/2023	<b>Hearing Date:</b>	06/28/2023
<b>MassHealth Rep.:</b>	Christopher Champagne	<b>Appellant Rep.:</b>	
<b>Hearing Location:</b>	Board of Hearings (Remote)		

### 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 May 30, 2023, MassHealth denied the appellant's application for MassHealth long-term care benefits due to excess assets (Exhibit 1). Appellant's representative filed an appeal in a timely manner on June 13, 2023 (Exhibit 2). 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 long-term care benefits.

### Issue

The appeal issue is whether MassHealth was correct in denying the appellant's application for MassHealth long-term care benefits?

## Summary of Evidence

The MassHealth representative testified that appellant's MassHealth long-term care application was approved on February 27, 2023, with 90 days to transfer any remaining assets to spouse. On May 30, 2023, MassHealth denied the appellant's application for long-term care benefits due to excess assets of \$22,703.76 (Exhibit 1). The MassHealth representative testified that since the denial the appellant has transferred most of his assets to his spouse, leaving one bank account with \$2,760 in the appellant's name. The MassHealth representative testified that MassHealth needed evidence that the bank account was closed. The appellant's representative requested that the record be left open to provide evidence of closure of the bank account at issue. The hearing officer granted the request and left the record open until July 12, 2023 for the appellant representative to submit evidence of the account closure (Exhibit 6). On July 7, 2023, the appellant representative faxed MassHealth a transfer statement showing that \$95.71 was transferred from the account at issue to another account on June 28, 2023. However, MassHealth found this statement to be insufficient to show a spend down of assets as the transfer statement does not show the balance of the account at issue or whether it is closed (Exhibits 8 and 9). The MassHealth representative tried to contact the appellant's representative about this matter but was unable to get a hold of them (Exhibit 8). The Hearing Officer ordered that the MassHealth representative keep trying to reach the appellant's representative until the afternoon of July 17, 2023 (Exhibit 8). However, the MassHealth representative was still unable to get a hold of her and the appeal moved towards decision (Exhibit 10).

## Findings of Fact

Based on a preponderance of the evidence, I find as follows:

1. The appellant's application for MassHealth benefits was approved on February 27, 2023, and the appellant was given 90 days to transfer assets to his spouse.
2. On May 30, 2023, MassHealth denied the appellant's application for long-term care benefits due to excess assets of \$22,703.76.
3. As of the hearing date of June 28, 2023, the appellant still had a bank account in his name containing \$2,760.
4. On July 7, 2023, the appellant's representative submitted a transfer statement showing that \$95.71 was transferred from the account at issue to a different account. This statement contained no information about the balance of the account or whether it was open or closed.
5. As of July 12, 2023, the date the record closed, appellant had not verified that his assets are below \$2,000.

## **Analysis and Conclusions of Law**

The total value of countable assets owned by or available to an individual receiving MassHealth benefits may not exceed \$2,000 (130 CMR 520.003(A)(1)). The current evidence is that appellant owns countable assets that exceed \$2,000.00 (Exhibit 8). The transfer statement sent on July 7, 2023 only shows that a single transfer of \$95.71 was made on June 28, 2023 away from the account at issue. Even considering this evidence most favorably to the appellant still leaves the account over the asset limit of \$2,000.

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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David Jacobs  
Hearing Officer  
Board of Hearings

cc:

Springfield MEC

