

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2305945
<b>Decision Date:</b>	10/16/2023	<b>Hearing Date:</b>	08/22/2023
<b>Hearing Officer:</b>	Kimberly Scanlon		

**Appearance for Appellant:**  
*Via telephone*



**Appearance for MassHealth:**  
*Via telephone*  
Andrea Pelczar



*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>	Eligibility; Long-term care; Over 65; Assets
<b>Decision Date:</b>	10/16/2023	<b>Hearing Date:</b>	08/22/2023
<b>MassHealth's Rep.:</b>	Andrea Pelczar	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Tewksbury MassHealth Enrollment Center Room 1 (Remote)	<b>Aid Pending:</b>	No

### 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 involved the July 11, 2023 notice of the Appellant's period of ineligibility due to a disqualifying transfer of assets. (Exhibit 1). The Appellant timely appealed on July 19, 2023. (130 CMR 610.015(B); Exhibit 2).

At the hearing, the MassHealth representative testified that MassHealth is willing to waive the Appellant's penalty period (June 15, 2022 – March 3, 2023) and honor the Appellant's long-term care start date of December 31, 2022, after hearing testimony from the Appellant's representative.<sup>1</sup> The Appellant's representative agreed and withdrew the appeal.

As this appeal has been withdrawn, this matter is dismissed, pursuant to 130 CMR 610.035(A)(2).

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Kimberly Scanlon  
Hearing Officer  
Board of Hearings

cc:

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<sup>1</sup> The MassHealth representative further testified that MassHealth will not address the previous (un-appealed) notice pertaining to ineligibility due to disqualifying transfer of assets. (Testimony; Exhibit 5).

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

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