

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2306905
Decision Date:	11/1/2023	Hearing Date:	09/22/2023
Hearing Officer:	Kenneth Brodzinski		

Appearance for Appellant:



Appearance for MassHealth:

Shauna Post



*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

Appeal Decision:	DENIED	Issue:	Eligibility Start Date; Over 65
Decision Date:	11/1/2023	Hearing Date:	09/22/2023
MassHealth's Rep.:	Shauna Post	Appellant's Rep.:	
Hearing Location:	Springfield		

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 June 29, 2023, MassHealth approved Appellant for MassHealth Standard benefits effective June 21, 2023 (Exhibit A). Appellant filed for this appeal in a timely manner on August 10, 2023 seeking an earlier start date (see 130 CMR 610.015(B) and Exhibit A). Determining an eligibility start date constitutes valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth approved Appellant for MassHealth Standard benefits effective June 21, 2023.

Issue

The appeal issue is whether MassHealth granted Appellant the earliest start date for MassHealth Standard in accordance with the controlling regulation(s) and accurate facts.

Summary of Evidence

Both parties appeared by telephone. Appellant filed no documentation other than his Fair Hearing Request (Exhibit A)

The MassHealth representative testified that Appellant is over the age of 65 and resides in the community. Appellant filed a MassHealth application on January 9, 2023. On May 17, 2023, MassHealth determined that Appellant had excess assets (assets exceeding the \$2,000 eligibility limit) of approximately \$20,000.00. Consequently, MassHealth Standard benefits were denied, but Appellant was approved for Health Safety Net benefits effective January 21, 2023.

The MassHealth representative further testified that as of June 21, 2023 Appellant's assets still exceeded the \$2,000 eligibility limit. On June 29, 2023 Appellant filed financial documentation verifying that his assets were reduced to below the \$2,000 eligibility limit as of June 1, 2023. Appellant's gross countable income was below the eligibility limit for MassHealth Standard. Accordingly, MassHealth commenced MassHealth Standard benefits as of June 1, 2023 the date that Appellant's assets were verified to be below the \$2,000 eligibility limit.

Appellant's representative testified that she started managing Appellant's financial accounts sometime around March of 2023. Previously, Appellant and his niece were managing the accounts. In late 2022, Appellant developed health issues and he applied for MassHealth benefits in January 2023.

Appellant's representative explained that Appellant took out a \$90,000 business loan and mistakenly put it into his personal account. Additionally, money from Appellant's online store was going into his personal account instead of his business account. Consequently, Appellant's personal account was filled with funds should have been in his business account. If the funds had been in his business account, where they belonged, they would not have been countable for MassHealth eligibility purposes and Appellant would have been approved for Standard benefits much earlier. According to Appellant's representative, the assets were just in the wrong account. She asked that this be taken into consideration so that Appellant benefits can commence consistent with the date of application of January 9, 2023.

Findings of Fact

By a preponderance of the evidence, this record supports the following findings:

1. Appellant is over the age of 65 and resides in the community.
2. Appellant filed a MassHealth application on January 9, 2023.
3. On May 17, 2023 MassHealth determined that Appellant had excess assets (assets

exceeding the \$2,000 eligibility limit) of approximately \$20,000.00.

4. Consequently, MassHealth Standard benefits were denied, but Appellant was approved for Health Safety Net benefits effective January 21, 2023.
5. As of June 21, 2023 Appellant's assets still exceeded the \$2,000 eligibility limit.
6. On June 29, 2023 Appellant filed financial documentation verifying that is assets were reduced to below the \$2,000 eligibility limit as of June 1, 2023.
7. Appellant's gross countable income was below the eligibility limit for MassHealth Standard.
8. MassHealth commenced MassHealth Standard benefits as of June 1, 2023 the date that Appellant's assets were verified to be below the \$2,000 eligibility limit.

Analysis and Conclusions of Law

The party appealing an administrative decision bears the burden of demonstrating the decision's invalidity (*Merisme v. Board of Appeals of Motor Vehicle Liability Policies and Bonds*, 27 Mass. App. Ct. 470, 474 (1989)).

In order for this Board to reverse a MassHealth determination, it must find that the agency decision is based on an error of fact and/or law. This record provided no such basis. There is no dispute that until June 1 of 2023 Appellant had in his personal account assets which exceeded the \$2,000 eligibility limit. This prevents Appellant from being determined financially eligible for MassHealth Standard prior to June 1, 2023 (130 CMR 520.003(A)(1)). MassHealth commenced MassHealth Standard benefits as of June 1, 2023, the date which Appellant countable assets fell below the \$2,000 eligibility limit (130 CMR 520.004(A)(1)(a)). Because Appellant's assets were still over the eligibility limit on June 21, 2023 which is more than thirty days after he was first determined to have excess assets, incurred medical bills could not be applied to obtain an earlier start date (130 CMR 520.004(A)(1)(b)).

There is no basis in fact and/or law to disturb the agency's determination.

For the foregoing reasons, 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.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104, 413-785-4186