

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2307551
<b>Decision Date:</b>	12/21/2023	<b>Hearing Date:</b>	09/25/2023
<b>Hearing Officer:</b>	Kimberly Scanlon	<b>Record Open to:</b>	12/07/2023

**Appearance for Appellant:**



**Appearance for MassHealth:**

*Via telephone*  
Kim McAvinchey



*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; Over 65; Long-term care; Over income
<b>Decision Date:</b>	12/21/2023	<b>Hearing Date:</b>	09/25/2023
<b>MassHealth's Rep.:</b>	Kim McAvinchey	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Tewksbury MassHealth Enrollment Center Room 2 (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 was MassHealth's August 14, 2023 denial of the Appellant's long-term care application because MassHealth determined that she was over the allowable income limits. (130 CMR 520.009; 520.028; Exhibit 1). The Appellant timely appealed on or about August 25, 2023. (130 CMR 610.015(B); Exhibit 2).

Following the hearing, the record was left open until October 6, 2023 for the Appellant to submit the pertinent income documentation. (Exhibit 6). The Appellant subsequently requested to further extend the record open period until October 23, 2023. MassHealth requested to further extend the record open period until November 23, 2023. (Exhibit 7). MassHealth requested an additional extension of the record open period until December 7, 2023. (Exhibit 8). On December 5, 2023, MassHealth responded that the Appellant's verifications have been reviewed and approved the Appellant's long-term care application, with the earliest eligibility start date of April 29, 2023. (Exhibit 9).


As no issue on the appeal of the August 14, 2023 denial notice remains in dispute, this matter is dismissed pursuant to 130 CMR 610.051(B). Any subsequent notices issued by MassHealth to the Appellant may be separately appealed.

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Kimberly Scanlon  
Hearing Officer  
Board of Hearings

cc:

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

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