

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2307757
Decision Date:	09/29/2023	Hearing Date:	09/14/2023
Hearing Officer:	David Jacobs		

Appearances for Appellant:



Appearances for MassHealth:

Scott Michael, Taunton 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

Appeal Decision:	Denied	Issue:	Eligibility; Long-Term Care
Decision Date:	09/29/2023	Hearing Date:	09/14/2023
MassHealth Rep.:	Scott Michael	Appellant Rep.:	
Hearing Location:	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 August 31, 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 August 31, 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 submitted on January 31, 2023 with no indicated start date of benefits. On August 18, 2023, MassHealth denied the appellant's application for long-term care benefits due to excess assets of \$4,948.34 (Exhibit 1). The MassHealth representative identified that the excess funds were located in a bank account in the appellant's name. He requested that the appellant representative submit proof that the balance of this account had been spent down. He further requested a new SC-1 that shows the actual requested start date of benefits. The appellant representative appeared and conceded to the facts as indicated by the MassHealth representative and agreed to submit the requested documents. The record was held open until September 21, 2023 for the appellant representative to submit bank statements from June 8, 2023 to present showing the assets had been spent down, copies of checks and proofs of where the assets were spent, and a revised SC-1 that includes the requested start date of benefits (Exhibit 8). MassHealth was given until September 28, 2023 to review the submitted documents (Exhibit 8). On September 25, 2023 the MassHealth representative sent an email stating that none of the requested documents had been submitted to MassHealth (Exhibit 9). The appellant representative did not respond to any requests by the hearing officer for more information about the situation (Exhibit 9).

Findings of Fact

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

1. The appellant's application for MassHealth benefits was submitted on January 31, 2023 with no indicated start date of benefits.
2. On August 18, 2023, MassHealth denied the appellant's application for long-term care benefits due to excess assets of \$4,948.34.
3. As of the hearing date of June 28, 2023, the appellant still had the indicated assets in a bank account in her name.
4. The record was held open until September 21, 2023 for the appellant to submit proof that the assets in the indicated bank account were spent down, proof of where the assets were spent, and what is the requested start date of benefits.
5. On September 25, 2023, the MassHealth representative sent an email stating that no additional documents had been submitted by the appellant representative.

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 1). No additional evidence was submitted to suggest that there has been any change to the over assets amount indicated on the August 18, 2023 notice (Exhibit 9).

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.

David Jacobs
Hearing Officer
Board of Hearings

cc:

Taunton MEC

