

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2307800
Decision Date:	11/21/2023	Hearing Date:	10/16/2023
Hearing Officer:	Rebecca Brochstein		

Appearances for Appellant:



Appearances for MassHealth:
Yassory Pena, Tewksbury 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
Decision Date:	11/21/2023	Hearing Date:	10/16/2023
MassHealth Rep.:	Yassory Pena	Appellant's Rep.:	Pro se
Hearing Location:	Tewksbury MassHealth Enrollment Center (Telephonic)	Aid Pending:	Yes

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapters 118E and 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through a notice dated August 24, 2023, MassHealth notified the appellant that his MassHealth benefits would end as of September 7, 2023, because he has more countable assets than MassHealth benefits allow (Exhibit 1). The appellant filed a timely appeal on September 1, 2023 (Exhibit 2). The Board of Hearings dismissed the appeal due to a missing signature, but later vacated the dismissal after the appellant returned a signed hearing request form (Exhibits 3 and 4). A hearing was then scheduled for October 16, 2023 (Exhibit 5). Termination of benefits is a valid basis for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined the appellant is no longer eligible for benefits because of excess assets.

Issue

The appeal issue is whether MassHealth was correct in determining that the appellant is financially ineligible for MassHealth benefits.

Summary of Evidence

An eligibility worker from the Springfield MassHealth Enrollment Center appeared at the hearing telephonically and testified as follows: The appellant, who is over the age of 65, has been on MassHealth Standard since 2019. In August 2023, MassHealth reviewed his eligibility and determined that his assets exceed the regulatory limit for MassHealth eligibility. The MassHealth caseworker testified that the appellant's countable assets include a life insurance policy with a cash surrender value of \$45,766.14 and a car worth \$1,447.¹ She stated that this is above the asset limit for MassHealth Standard, which is \$2,000. She noted that his income is below the regulatory limit, but his assets disqualify him from MassHealth coverage.

The appellant appeared at the hearing telephonically and testified on his own behalf. He stated that his income is very low and argued that this should be enough to make him eligible for MassHealth coverage. He testified that he has daughters who will need his money to maintain their lifestyle and to bury him after he passes away. He questioned why MassHealth never raised this issue in the past; the caseworker responded that MassHealth only looks at assets for individuals over 65, and that it protected his benefits for several years after he turned 65 due to the pandemic.

Findings of Fact

Based on a preponderance of the evidence, I find the following:

1. The appellant is over the age of 65 and has a household of one.
2. The appellant has been on MassHealth Standard since 2019.
3. In August 2023, MassHealth reviewed the appellant's eligibility and determined that his assets exceed the regulatory limit for MassHealth coverage.
4. The appellant's assets include a life insurance policy with a cash surrender value of \$45,766.14 and a car worth \$1,447.
5. On August 24, 2023, MassHealth notified the appellant that it would terminate his benefits effective September 7, 2023, because his assets exceed the regulatory limit of \$2,000.
6. On September 1, 2023, the appellant filed a timely appeal of the termination notice, and his MassHealth benefits were protected pending the appeal.

¹ She stated that the appellant has two cars, and that only one is exempted from countability.

Analysis and Conclusions of Law

The eligibility criteria for community residents who are age 65 and older are found at 130 CMR 519.005. Part (A) of that regulation states that except as provided in 130 CMR 519.005(C)², noninstitutionalized individuals 65 years of age and older may establish eligibility for MassHealth Standard coverage provided they meet the following requirements:

(1) the countable income amount, as defined in 130 CMR 520.009: *Countable-income Amount*, of the individual or couple is less than or equal to 100% of the federal poverty level; and

(2) the countable assets of an individual are \$2,000 or less, and those of a married couple living together are \$3,000 or less.

Based on the financial information that the appellant provided, he is not eligible for any MassHealth assistance.³ Even though his income is within the guidelines, his assets are well above the \$2,000 limit for MassHealth eligibility. Accordingly, this appeal must be denied.

Order for MassHealth

Remove aid pending protection.

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.

Rebecca Brochstein
Hearing Officer
Board of Hearings

cc: Tewksbury MEC

² The exceptions in section (C) are reserved for parents and caretaker relatives of children under age 19.

³ The appellant's assets are also above the limit for any of the Medicare Savings or "buy-in" programs. See 130 CMR 519.010, 519.011.