

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**

Ama V. Lima  
216 Main Street, Apt 3C  
Woburn, MA 01801

<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2307976
<b>Decision Date:</b>	02/16/2024	<b>Hearing Date:</b>	9/21/2023
<b>Hearing Officer:</b>	Patrick Grogan	<b>Record Open to:</b>	12/8/23

**Appearance for Appellant:**

Pro se

**Appearance for MassHealth:**

Elizabeth Rodriguez, Heather Prunier

**Interpreter:**

Lenore Clemente (Portuguese)



*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>	Excess Assets, Eligibility Over 65
<b>Decision Date:</b>	02/16/2024	<b>Hearing Date:</b>	09/21/2023
<b>MassHealth's Rep.:</b>	Elizabeth Rodriguez, Heather Prunier	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Remote (Tel)	<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 26, 2023, Notice of denial of MassHealth coverage due to the Appellant having more countable assets than MassHealth benefits. (Exhibit 1; 130 CMR 520.003, 130 CMR 520.004) A Fair Hearing Request Form was timely filed on September 5, 2023. (Exhibit 2; 130 CMR 610.015(B).)

At the September 21, 2023 Hearing, the Record was left open for the Appellant until October 27, 2023 for the Appellant to provide verifications related to asset reduction and until November 17, 2023 for MassHealth to review the submissions. (Exhibit 5) On December 11, 2023, in response to inquiries posed, MassHealth stated additional information had been received from the Appellant, however, the additional information prompted additional requests for information from MassHealth. (Exhibit 6) On January 9, 2024, in response to inquiry posed, MassHealth indicated that the Appellant had yet to submit additional verifications, and the Appellant had until February 6, 2024 to submit additional verifications. (Exhibit 7) Based upon this correspondence, the Record Open was extended for the Appellant until February 9, 2024 for further verifications. (Exhibit 8) On February 13, 2024, in response to inquiry, MassHealth responded that no further verifications had been received from the Appellant and that a subsequent denial notice was sent out on February 12, 2024<sup>1</sup> (Exhibit 11).

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<sup>1</sup> Subsequent MassHealth actions and notices August 26, 2023 are not a part of the instant appeal. The Appellant retains the right to appeal the denial Notice that was sent out on February 12, 2024

As no issue on the appeal of the August 26, 2023 Notice of denial of MassHealth coverage due to the Appellant having more countable assets than MassHealth benefits all, in accordance with 130 CMR 520.003 and 130 CMR 520.004 remains in dispute, since the Notice dated August 26, 2023 has been superseded by a subsequent Notice sent out on February 12, 2024, this matter is DISMISSED pursuant to 130 CMR 610.051(B).

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Patrick Grogan  
Hearing Officer  
Board of Hearings

cc:

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