

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2308125
Decision Date:	10/4/2023	Hearing Date:	09/27/2023
Hearing Officer:	Radha Tilva		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Jonathon Gonzalez, Charlestown MEC Rep.

Interpreter:



*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 – over 65 - assets
Decision Date:	10/4/2023	Hearing Date:	09/27/2023
MassHealth's Rep.:	Jonathon Gonzalez	Appellant's Rep.:	Pro se
Hearing Location:	Charlestown MassHealth Enrollment Center	Aid Pending:	No

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 15, 2023, MassHealth denied the appellant MassHealth Standard and Limited benefits because she has more than the allowable asset limit (Exhibit 1). The appellant filed this appeal in a timely manner on September 11, 2023 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied appellant MassHealth Standard and Limited benefits because she is over the asset limit.

Issue

The appeal issue is whether MassHealth was correct in determining that appellant is over the asset limit for MassHealth Standard and Limited benefits.

Summary of Evidence

The MassHealth eligibility case worker that appeared at hearing testified that appellant will continue to receive the benefit she was previously on MassHealth Senior Buy-In with Health Safety Net. The case worker explained that the notice under appeal was sent in response to a request made on April 1, 2023 from MassHealth requesting two bank statements. On July 24, 2023 MassHealth received a response and processed it on August 3, 2023. The notice on appeal was mailed out because appellant was over the \$2,000.00 asset limit for MassHealth Standard. Appellant appealed that notice and submitted an updated bank statement. The MassHealth case worker explained that the 3 bank accounts on file showed a balance of \$140.70 in one account, \$0.00 in another, and appellant's IRA account had a balance of \$1,901.00. The total combined assets were thus \$2,041.79 as of August 31, 2023 putting appellant \$41.79 over the asset limit.

The appellant is over the age of 70 years old and stated the following: her son helps her MassHealth and her accounts. He forgot to pay her bills on time so it made it look like she was over the asset limit, but as soon as they paid the bills they sent over letter and bank statements (see Exhibit 2). The appellant was confused as to whether she wanted the MassHealth Standard benefits.

Findings of Fact

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

1. On April 1, 2023 MassHealth requested two bank statements.
2. On July 24, 2023 MassHealth received the bank statements and processed the case finding appellant ineligible for MassHealth Standard or Limited benefits.
3. The appellant had over \$2,000.00 in her bank statements effective August 31, 2023.
4. The appellant has been receiving MassHealth Senior Buy-In and Health Safety Net which she will continue to receive.

Analysis and Conclusions of Law

Under 130 CMR 520.003(A), the total value of countable assets owned by or available to individuals applying for or receiving MassHealth Standard, Family Assistance, or Limited may not exceed the following limits \$2,000 for individuals. As of the hearing date MassHealth showed assets from two bank accounts, totaling \$2,041.79, putting appellant over the asset limit for MassHealth Standard and Limited. The appellant is presently receiving MassHealth

Senior Buy-In and Health Safety Net and will continue to do so based on MassHealth's testimony. This 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.

Radha Tilva
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Nga Tran, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129