

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2308995
Decision Date:	11/17/2023	Hearing Date:	10/16/2023
Hearing Officer:	David Jacobs		

Appearances for Appellant:



Appearances for MassHealth:

Elizabeth Rodriguez, 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; Over Assets
Decision Date:	11/17/2023	Hearing Date:	10/16/2023
MassHealth Rep.:	Elizabeth Rodriguez	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 9, 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 September 28, 2023 (Exhibit 2). Denial of assistance is valid grounds 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

On August 9, 2023, MassHealth denied the appellant's application for long-term care benefits due to excess assets of \$2,439.75 (Exhibit 1). The MassHealth representative identified that the excess funds were located in a life insurance policy and bank account, with the majority being in the life insurance policy. The appellant representative appeared and conceded to the facts as indicated by the MassHealth representative but indicated that the life insurance policy had been assigned to a funeral home. In response the MassHealth representative requested that the appellant submit proof that the life insurance policy had been assigned to a funeral home by providing a letter from the life insurance provider saying as such and the burial contract. The appellant representative agreed to do so. The record was held open until November 6, 2023 for the appellant representative to submit the requested documents (Exhibit 5). MassHealth was given until November 13, 2023 to review the submitted documents (Exhibit 5). On November 15, 2023, the MassHealth representative replied to an email from the hearing office stating that as of the current date no documents had been submitted in response to MassHealth's request (Exhibit 6).

Findings of Fact

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

1. On August 9, 2023, MassHealth denied the appellant's application for long-term care benefits due to excess assets of \$2,439.75.
2. The majority of the assets were located in a life insurance policy.
3. The record was held open until November 6, 2023 for the appellant to submit proof that the indicated assets had been transferred from the life insurance provider to a funeral home.
4. As of November 15, 2023, no evidence has been submitted into the record to indicate that the indicated assets have been assigned to a funeral home.

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 9, 2023 notice (Exhibit 6).

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:

Tewksbury MEC