

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2310138
Decision Date:	4/2/2024	Hearing Date:	11/06/2023
Hearing Officer:	Kimberly Scanlon	Record Open to:	03/08/2024

Appearance for Appellant:
Via telephone



Appearance for MassHealth:
Via telephone
Iria Saracevic – Charlestown MEC



*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; Excess assets
Decision Date:	4/2/2024	Hearing Date:	11/06/2023
MassHealth's Rep.:	Iria Saracevic	Appellant's Rep.:	
Hearing Location:	Charlestown MassHealth Enrollment Center - Room 1 (Remote)	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 22, 2023, MassHealth notified the appellant that he did not qualify for MassHealth benefits because MassHealth determined that he has more countable assets than MassHealth allows (130 CMR 520.003; 520.004; Exhibit 1). The appellant filed this appeal in a timely manner on October 19, 2023 (130 CMR 610.015(B); Exhibit 2). Denial of assistance is valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth notified the appellant that he did not qualify for MassHealth benefits because his assets exceed MassHealth's allowable limits.

Issue

The appeal issue is whether MassHealth was correct in determining that the appellant is over the allowable asset limits to qualify for MassHealth benefits.

Summary of Evidence

The MassHealth representative and the appellant's representative appeared at the hearing by telephone and testified as follows: The appellant is over the age of 65 and resides in the community in a household of one. In August of 2023, MassHealth received the appellant's application for benefits. On August 22, 2023, MassHealth determined that the appellant's assets exceed the limit to receive MassHealth benefits (Exhibit 1). The appellant's reported assets include a bank account with a balance of \$22,807.85 (Exhibit 1, p. 3). To be eligible for MassHealth benefits, the appellant's assets cannot exceed \$2,000.00. MassHealth notified the appellant in the August 22nd notice that he may be eligible if he reduces his assets to \$2,000.00 within 30 days (Exhibit 1, p. 1). To date, MassHealth has not received any documentation from the appellant indicating that his assets have been reduced. If the appellant were to reduce his assets to \$2,000.00, he may be able eligible for MassHealth Standard benefits.¹

The appellant's representative testified that the appellant's assets recently increased because of his employment termination related to a long-term visual impairment. However, assets will remain stagnant moving forward. The appellant's representative inquired about whether MassHealth considers other monthly expenses in determining an applicant's eligibility. She explained that the appellant's Medicare premium is deducted from his Social Security income, reducing the amount he receives. She also stated that since the appellant stopped receiving MassHealth, his visiting nurse services are an out-of-pocket expense. In response, the MassHealth representative explained that MassHealth only considers the applicant's gross monthly income when determining eligibility.

Following the hearing, the record was left open until December 6, 2023 for the appellant to submit the pertinent documentation to MassHealth, showing that his assets were spent down to the allowable asset limit of \$2,000.00. The record was also left open until December 13, 2023 for MassHealth to review the appellant's submitted documentation (Exhibit 5).² The MassHealth representative subsequently reported that MassHealth did not receive any further documentation

¹ MassHealth noted that the appellant's gross monthly income from Social Security (\$1,930.00) exceeds the income limit for MassHealth Standard (\$1,215.00). However, the appellant may establish eligibility for MassHealth Standard if he applies and is found eligible for one of MassHealth's community waivers (the frail elder waiver), as the income limit under this waiver is higher (\$2,742.00). The appellant's income is also within the limit to qualify for a Medicare Savings Program (where MassHealth would pay his Medicare premium), although his assets exceed the limit for this program as well (\$18,180).

² There were additional requests to extend the record-open period, all of which were granted (Exhibits 6-7).

from the appellant showing that his assets have been spent down to the allowable limit (Exhibit 8).

Findings of Fact

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

1. The appellant is over the age of 65 and lives in the community in a household of one.
2. In August of 2023, the appellant applied for MassHealth benefits.
3. On August 22, 2023, MassHealth notified the appellant that he is not eligible to receive MassHealth benefits due to excess assets.
4. The appellant timely appealed this MassHealth action.
5. To be eligible for MassHealth benefits, an applicant's assets cannot exceed \$2,000.00.
6. The appellant's current verified assets total \$22,807.95.

Analysis and Conclusions of Law

The regulations at 130 CMR 515.000 through 520.000 provide the requirements for MassHealth eligibility for persons aged 65 and older. (130 CMR 515.002). The total value of countable assets owned by or available to an individual applying for MassHealth Standard, Family Assistance, or Limited benefits may not exceed \$2,000 (130 CMR 520.003(A)). Here, it is undisputed that the appellant's verified assets total \$22,807.85. Despite a lengthy opportunity to verify to MassHealth that his assets were reduced, the appellant did not do so. Because there is no evidence that the appellant's assets are below the \$2,000 program limit, MassHealth's determination is correct, and 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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

cc:

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

