

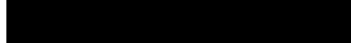
Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2310604
Decision Date:	12/15/2023	Hearing Date:	11/15/2023
Hearing Officer:	David Jacobs	Record Open to:	12/20/2023

Appearance for Appellant:



Appearance for United Healthcare:

Jessica Melendez, Charlestown MEC Worker



*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:	Dismissed	Issue:	Over Assets
Decision Date:	12/15/2023	Hearing Date:	11/15/2023
MassHealth Rep:	Jessica Melendez	Appellant's Rep.:	Pro se
Hearing Location:	Remote	Aid Pending:	

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder. The issue on appeal involved the appellant not being eligible for MassHealth benefits because he was over assets (Exhibit 1). Both parties appeared at the hearing telephonically. MassHealth was represented by Jessica Melendez and the appellant represented himself.

The MassHealth worker testified that the excess assets were located in a personal bank account owned by the appellant. Before the hearing the appellant submitted documents to MassHealth showing that the identified funds were for a small business loan provided to the appellant as part of COVID-19 relief (Exhibit 5). The MassHealth worker testified that usually such COVID-19 relief funds are not counted by MassHealth, but the evidence provided shows that the funds were moved from a business account to the appellant's personal account. The appellant conceded these facts but testified that he only moved the funds due to a suggestion from a bank representative that he would be better served if he put that money into certificates of deposit ("CDs") instead of his business account. However, he later realized there would be a monetary penalty for withdrawing the funds early which is impacting his ability to spend them down for MassHealth. Therefore, the appellant argued that the movement of funds should be considered an innocent mistake and still COVID-19 relief not counted for MassHealth purposes.

The MassHealth worker was unsure if the appellant's argument could be considered. Therefore, the record was held open until November 29, 2023 for her to contact MassHealth Policy and get their opinion (Exhibit 4, pg. 3). On November 28, 2023, the worker sent an email saying that she spoke to Policy and their position is that because the funds were put into a personal account they can be countable by MassHealth (Exhibit 4, pg. 3). In response the hearing officer gave the appellant three choices: 1. Accept this decision, withdraw the appeal, and seek new health benefits. 2. Accept this decision and spend down the assets regardless of the monetary penalty. 3. Reschedule for another hearing so he could challenge MassHealth Policy's conclusion (Exhibit 4, pg. 3). The appellant elected to take option two and spend down his assets. Thus, the record

open period was extended to 12/13/2023 for the appellant to spend down his asset and then to 12/20/2023 for MassHealth to review the spend down (Exhibit 4, pg. 2). On December 14, 2023, the worker sent an email confirming that the appellant had appeared physically at the Charlestown office and dropped off proof of the spend down, MassHealth accepts this proof, and the appellant is open on MassHealth Standard effective December 1, 2023 (Exhibit 4, pg. 1).

As the appellant is now open on MassHealth Standard this appeal is dismissed as moot.

David Jacobs
Hearing Officer
Board of Hearings

cc:

Charlestown MEC