

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2313110
Decision Date:	01/30/2024	Hearing Date:	01/09/2024
Hearing Officer:	Thomas Doyle	Record Open to:	1/16/24

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Sophia Lafontant, Charlestown MEC

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:	Approved	Issue:	Over Assets; Over 65
Decision Date:	01/30/2024	Hearing Date:	01/09/2024
MassHealth's Rep.:	Sophia Lafontant	Appellant's Rep.:	Pro se
Hearing Location:	Remote (phone)	Aid Pending:	Yes

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 December 11, 2023, MassHealth changed appellant's coverage to Senior Buy In because MassHealth determined that the appellant had more countable assets than MassHealth benefits allow.¹ (Ex. 1). Appellant filed this appeal in a timely manner on December 12, 2023. (Ex. 2). Denial of assistance is valid grounds for appeal before the Board of Hearings. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth changed appellant's coverage because she was over assets.

Issue

Was MassHealth correct to change appellant's coverage due to being over assets.

¹ The MassHealth worker stated that appellant was also over income but the notice offered into evidence only alerts appellant that she is over assets. (Ex. 1). On page 1 of the notice the written section explains to appellant that she is over the amount of allowable assets. Page 2 of the notice has a breakdown of how MassHealth counted appellant's assets.

Summary of Evidence

Appellant and the MassHealth worker (worker) appeared by phone at hearing and were sworn. Exhibits 1-5 were marked as evidence.² The worker testified that appellant's coverage was downgraded due to being over assets. Appellant owns two cars and each household is only allowed ownership of one car.

Appellant testified she sold one of the cars to her son. The record was left open for appellant to provide a copy of the new car title showing appellant's son now owns one of the cars. Within hours of the close of the hearing, appellant provided a copy of the car title showing her son now owned one of the cars previously owned by appellant. (Ex. 6). After viewing the car title, the worker notified this hearing officer MassHealth removed that car from appellant's case and appellant was now under assets. (Ex. 7).

Findings of Fact

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

1. Appellant is over 65 and resides in the community. (Ex. 1; Ex. 5).
2. Appellant was denied MassHealth benefits for being over assets. (Testimony).
3. Appellant was over assets because she owned two cars. (Testimony).
4. Appellant showed she sold one of her cars and provided the new title. (Ex. 6).
5. After providing the car title on the car appellant sold, MassHealth found appellant under assets. (Ex. 7).

Analysis and Conclusions of Law

Pursuant to 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 \$2,000 for an individual.

520.007: Countable Assets

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(F) Vehicles as Countable Assets.

² Exhibits 6 and 7 were marked post hearing.

(1) Requirements. In determining the assets of an individual (and the spouse, if any), the countability of a vehicle is determined as follows.

- a) One vehicle per household is noncountable regardless of its value if it is for the use of the eligible individual or couple or a member of the eligible individual's or couple's household.
- (b) The equity value of all other vehicles is a countable asset.

Appellant provided a Certificate of Title showing one of the cars that was counted towards her assets was now owned by her son. The worker noted the sold car was removed from appellant's case because she was no longer the owner. (Ex. 7). Because appellant is allowed to have one uncountable vehicle regardless of value, she is now under assets. The appeal is approved.

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.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

Thomas Doyle
Hearing Officer
Board of Hearings

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