

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	DENIED	<b>Appeal Number:</b>	2313395
<b>Decision Date:</b>	01/26/2024	<b>Hearing Date:</b>	01/18/2024
<b>Hearing Officer:</b>	Kenneth Brodzinski		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Waleska Estrada



*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

<b>Appeal Decision:</b>	DENIED	<b>Issue:</b>	Financial Eligibility Over 65 Community
<b>Decision Date:</b>	01/26/2024	<b>Hearing Date:</b>	01/18/2024
<b>MassHealth's Rep.:</b>	Waleska Estrada	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Springfield MEC		

### 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 8, 2023, MassHealth denied Appellant's application for MassHealth benefits because MassHealth determined that Appellant's income and assets exceed the applicable eligibility limits (Exhibit A). Appellant filed this appeal in a timely manner on December 18, 2023 (Exhibit A). Denial of assistance constitutes valid grounds for appeal (see 130 CMR 610.032).

### Action Taken by MassHealth

MassHealth denied Appellant's application for MassHealth benefits because MassHealth determined that both Appellant's income and assets exceed applicable eligibility limits.

### Issue

The appeal issue is whether MassHealth properly applied the controlling regulation(s) to accurate facts when it determined that Appellant's income and assets exceed the applicable MassHealth eligibility limits.

## Summary of Evidence

Both parties appeared by telephone.

The MassHealth representative testified that Appellant is a non-disabled, adult over the age of 65 who resides in the community in a household of 2. Appellant has gross countable monthly income of \$3,735.90 which exceeds the Massachusetts Income Standard for a household of 2 (\$650) making him ineligible for MassHealth. MassHealth eligibility can, however, be obtained every six months after meeting a deductible for \$18,390.00 if Appellant were otherwise eligible.

The MassHealth representative further testified that Appellant is also not eligible for MassHealth due to having assets that exceed the eligibility limit for a household of 2 (\$3,000). Appellant has access to funds in a joint bank account containing \$86,054.86.

MassHealth determined that Appellant is eligible for Health Safety Net with a yearly deductible of \$2,150.40.

Appellant did not dispute any of the figures and calculations cited by MassHealth except he did assert that the money in the bank account belonged solely to his mother. Appellant explained that his name was placed on the account only in case his mother was unable to access the funds herself in an emergency. Appellant produced his mother who testified that the money does belong to her and not Appellant.

The hearing officer explained to Appellant that in order for MassHealth to not count the bank funds as part of his assets, his name would have to come off of the joint account or he could submit documentation proving to MassHealth's satisfaction that the money in the account came from his mother and did not contain any of his funds. The Hearing officer also explained that even if Appellant were to do resolve the asset issue, the final determination would not change because he remains over income.

In response, Appellant stated that he now understood that the determination would not change even if the matter of the ownership of the bank funds were to be resolved in his favor.

## Findings of Fact

Based on a preponderance of the evidence, this record supports the following findings:

1. Appellant is a non-disabled adult, over age 65, who resides in the community in a household of 2.
2. MassHealth determined that Appellant is not eligible for MassHealth benefits because his

income exceeds the applicable eligibility limit.

3. MassHealth determined that Appellant is not eligible for MassHealth benefits because his assets exceed the applicable eligibility limit.
4. Appellant has gross countable monthly income of \$3,735.90.
5. Appellant has access to a joint bank account containing \$86,054.86.
6. MassHealth calculated a 6-month income eligibility deductible of \$18,390.00.
7. MassHealth determined that Appellant is eligible for Health Safety Net with a yearly deductible of \$2,150.40.

## Analysis and Conclusions of Law

The party appealing an administrative decision bears the burden of demonstrating the decision's invalidity (*Merisme v. Board of Appeals of Motor Vehicle Liability Policies and Bonds*, 27 Mass. App. Ct. 470, 474 (1989)).

Appellant has not met his burden.

While Appellant did dispute the countability of the bank funds, as discussed during the hearing, he would need to either remove himself from the account or provide MassHealth with documentation that the funds therein came from his mother in order to have these funds removed from his asset profile (130 CMR 520.005(C)).<sup>1</sup>

Appellant did not dispute his income, household size, age, non-disabled status or monthly income amount which render him ineligible for MassHealth (regardless of the excess asset issue).

On this record, there is no basis in fact or law to disturb MassHealth's determination. For the foregoing reasons, the appeal is DENIED.

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<sup>1</sup> 130 CMR 505(C) Joint Bank Accounts. (1) Bank accounts are defined at 130 CMR 520.007(B)(1). (2) When the applicant or member is a joint owner of a bank account, the entire amount on deposit is considered available to the applicant or member, except when assessing assets in accordance with 130 CMR 520.016. (3) If the applicant or member claims partial ownership of the funds in the joint account, he or she must verify the amount owned by each joint depositor. When such a partial ownership is verified, the countable value of the assets is attributed to each owner in proportion to the ownership interest. (4) The applicant or member may transfer the funds owned by him or her into an account that accurately reflects his or her ownership interest. The MassHealth agency does not consider such a transfer of assets to make oneself eligible for MassHealth if the transfer is completed within 30 days after written notification by the MassHealth agency of this requirement, except in the case of a community spouse as described at 130 CMR 520.016 who is allowed 90 days to make the transfer.

## **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.

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Kenneth Brodzinski  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104, 413-785-4186