

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2313466
Decision Date:	1/19/2024	Hearing Date:	01/16/2024
Hearing Officer:	Marc Tonaszuck		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
David Kang



*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 – MSP
Decision Date:	1/19/2024	Hearing Date:	01/16/2024
MassHealth's Rep.:	David Kang	Appellant's Rep.:	Pro se
Hearing Location:	Springfield MassHealth Enrollment Center	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 10/31/2023, MassHealth denied the appellant's application for MassHealth Medicare Savings Program (MSP) benefits because MassHealth determined that his assets exceed the program limits (see 130 CMR 520.003, 520.004 and Exhibit 1). The appellant filed this appeal in a timely manner on 12/21/2023 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's application for Medicare Savings Program.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.003 and 520.004, in determining that the appellant is not eligible for MassHealth Medicare Savings Program.

Summary of Evidence

The MassHealth representative testified that the appellant submitted an application for MassHealth Medicare Savings Program (MSP), a benefit where MassHealth pays the appellant's Medicare premium. The appellant provided verifications that show he has assets totaling \$59,516.71, which exceeds the program limit of \$18,180.00¹. The assets are comprised of bank accounts totaling \$51,768.20 and securities of \$7,748.51. The representative testified that when the appellant submits statements from his bank accounts showing his assets are below \$18,180.00, he may be eligible for MSP.

The appellant appeared telephonically at the fair hearing. He testified that he had a fire in his home on March 2023. The money in his account is from the insurance company and will be used to rebuild and repair the property. He argued that because the money will eventually be paid out, he should be determined to be eligible for MSP.

Findings of Fact

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

1. The appellant is over 65 years of age and is considered a household of one for the purposes of MassHealth eligibility (Testimony).
2. The appellant applied for MassHealth MSP benefits (Testimony).
3. As part of the eligibility review process, MassHealth received from the appellant information about his assets (Testimony).
4. MassHealth received verifications that the appellant has bank accounts with aggregate balances of \$51,768.20 and securities totaling \$7,748.51 (Testimony; Exhibit 1).
5. On 10/31/2023, MassHealth informed the appellant that his application for MSP was denied because his assets exceed the program limits (Testimony; Exhibit 1).
6. The asset limit for MassHealth MSP for a household of one is \$18,180.00 (Testimony).
7. On 01/16/2024, a fair hearing was held before the Board of Hearings. The appellant appeared telephonically and the MassHealth representative appeared in person.

Analysis and Conclusions of Law

¹ See <https://www.mass.gov/info-details/help-paying-medicare-costs> last viewed on 01/19/2024.

MassHealth regulations at 130 CMR 520.003 address asset limits as follows:

(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 the following limits:

(1) for an individual – \$2,000; and

(2) for a couple living together in the community where there is financial responsibility according to 130 CMR 520.002(A)(1) – \$3,000.

(B) The total value of countable assets owned by or available to individuals applying for or receiving MassHealth Senior Buy-in for Qualified Medicare Beneficiaries (QMB) as described in 130 CMR 519.010: MassHealth Senior Buy-in (for Qualified Medicare Beneficiaries (QMB)) or MassHealth Buy-in for Specified Low Income Medicare Beneficiaries (SLMB) or MassHealth Buy-in for Qualifying Individuals (QI), both as described in 130 CMR 519.011: MassHealth Buy-in, may not exceed the amount equal to two times the amount of allowable assets for Medicare Savings Programs as identified by the Centers for Medicare and Medicaid Services. Each calendar year, the allowable asset limits shall be made available on MassHealth's website.

(C) The treatment of a married couple's assets when one spouse is institutionalized, as described in 130 CMR 520.016(B).

The appellant applied for MassHealth MSP benefits. The asset limit for MSP is \$18,180.00, as stated on the MassHealth website. MassHealth verified that the appellant has total assets of \$59,516.71, comprised of bank account balances and securities. Finding that the appellant's assets exceed the program limits for MSP benefits, MassHealth denied the appellant's application. The appellant did not dispute the amount of money in his bank accounts and securities. He argued that the source of the money in his accounts is from an insurance payout after a fire in his property. He believes that, because the money will eventually be spent on repairing the property, MassHealth should make an exception to the above regulation.

I find no regulatory exception to the above program limit for MSP benefits. There is no regulatory support for the appellant's argument. As a result, MassHealth's determination is supported by the material facts in the hearing record as well as the regulations. Accordingly, this 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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104