

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2313781
<b>Decision Date:</b>	01/26/2024	<b>Hearing Date:</b>	1/22/2024
<b>Hearing Officer:</b>	David Jacobs		

**Appearances for Appellant:**  
Pro se

**Appearances for MassHealth:**  
Jennifer Moreno, Springfield MEC



*Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street  
Quincy, MA 02171*

## APPEAL DECISION

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Eligibility; Over Assets
<b>Decision Date:</b>	01/26/2024	<b>Hearing Date:</b>	1/22/2024
<b>MassHealth Rep.:</b>	Jennifer Moreno	<b>Appellant Rep.:</b>	Pro se
<b>Hearing Location:</b>	Board of Hearings (Remote)		

### 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 1, 2023, MassHealth denied the appellant's application for MassHealth benefits due to excess assets (Exhibit 1). The appellant filed an appeal in a timely manner on December 28, 2023 (Exhibit 2). Denial of assistance is valid grounds for appeal (130 CMR 610.032).

### Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth benefits.

### Issue

The appeal issue is whether MassHealth was correct in denying the appellant's application for MassHealth benefits?

## Summary of Evidence

On December 1, 2023, MassHealth denied the appellant's application for MassHealth benefits due to excess assets of \$104,163.75 (Exhibit 1). The MassHealth representative identified that the excess funds were primarily located in real estate that the appellant co-owns with her daughter that the daughter resides in. The appellant appeared for the hearing and conceded to the facts as laid out by MassHealth. However, she argued there is a \$16,453.25 lien from [REDACTED] on the property due to unpaid electric bills and believes that amount should be subtracted from the value of the property (Exhibit 4). The appellant offered no regulatory support for why MassHealth should consider the lien in the calculation of this asset. The MassHealth representative offered that the appellant could sell or give the property to the daughter to potentially cure the over assets issue. In response, the appellant argued she did not even have the money to pay the administrative fees necessary to conduct such transactions.

## Findings of Fact

Based on a preponderance of the evidence, I find as follows:

1. On December 1, 2023, MassHealth denied the appellant's application for long-term care benefits due to excess assets of \$104,163.75.
2. The majority of the assets are located in real estate that the appellant co-owns with her daughter that her daughter resides in.
3. The property has a lien from [REDACTED] in the amount of \$16,453.25.

## Analysis and Conclusions of Law

The total value of countable assets owned by or available to an individual receiving MassHealth benefits may not exceed \$2,000 (130 CMR 520.003(A)(1)). The current evidence is that appellant owns countable assets that exceed \$2,000.00 (Exhibit 1). No additional evidence was submitted during the hearing to suggest that there has been any change to the over assets amount indicated on the December 1, 2023 notice. The appellant argued MassHealth should consider a lien on the property when calculating its value but offered no regulatory support for her position. There are no exceptions for the requirements of 130 CMR 520.003(A)(1) for liens, and even if there were, the amount excused by the lien would not be enough to cover the \$104,163.75 the appellant is over assets.

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.

---

David Jacobs  
Hearing Officer  
Board of Hearings

cc:

Springfield MEC