

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2400290
<b>Decision Date:</b>	1/31/2024	<b>Hearing Date:</b>	1/30/2024
<b>Hearing Officer:</b>	Thomas J. Goode		

**Appearance for Appellant:**  
Pro se

**Appearance for MassHealth:**  
Michael Richelson, Tewksbury MEC



*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>	Eligibility
<b>Decision Date:</b>	1/31/2024	<b>Hearing Date:</b>	1/30/2024
<b>MassHealth's Rep.:</b>	Michael Richelson	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Remote	<b>Aid Pending:</b>	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 December 6, 2023, MassHealth denied Appellant's application for MassHealth benefits because MassHealth determined that assets exceed program limits (130 CMR 520.003, 520.004, 519.005 and Exhibit 1). Appellant filed an appeal in a timely manner on January 5, 2023 (130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (130 CMR 610.032).

### Action Taken by MassHealth

MassHealth denied Appellant's application for MassHealth benefits because MassHealth determined that assets exceed program limits.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.003, 520.004, 519.005 in denying Appellant's MassHealth application because assets exceed program limits.

## Summary of Evidence

The MassHealth representative testified that Appellant is a household of one person over 65 years of age living in the community. Appellant completed a renewal Senior Application on August 14, 2023. Appellant had been receiving MassHealth Standard coverage which remained in effect due to pandemic protections. On December 6, 2023, MassHealth issued notice informing Appellant that assets exceed program limits. MassHealth testified that Appellant's bank account value totals \$2,929.62. In addition, Appellant verified  $\frac{1}{4}$  ownership of an out of state property valued at \$82,800. MassHealth updated the value of Appellant's ownership to reflect  $\frac{1}{4}$  of \$82,800, and recalculated assets to total \$23,629. Appellant's \$1,200 Social Security income is within program limits; however, due to assets in excess of program limits, the application was denied. MassHealth added that assets also exceed program limits for Medicare Savings Plans, but when asset limits change, a redetermination will generate automatically. Appellant was also determined eligible for Health Safety Net.

Appellants confirmed ownership of a  $\frac{1}{4}$  interest in an out of state property correctly valued \$82,800, and added that she reported the asset to MassHealth but it had never been an issue. She described the property as a house in a small fishing village in Maine that was built by her parents more than 70 years ago, in which she and her siblings each have a  $\frac{1}{4}$  interest.

## Findings of Fact

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

1. Appellant is a household of one person over 65 years of age living in the community.
2. Appellant completed a renewal Senior Application on August 14, 2023.
3. Appellant had been receiving MassHealth Standard coverage which remained in effect due to pandemic protections.
4. On December 6, 2023, MassHealth issued notice informing Appellant that assets exceed program limits.
5. Appellant's bank account value totals \$2,929.
6. Appellant owns a  $\frac{1}{4}$  interest in an out of state property valued at \$82,800.
7. MassHealth updated the value of Appellant's ownership to reflect  $\frac{1}{4}$  of \$82,800, and recalculated assets to total \$23,629.

8. Appellant's Social Security income is \$1,200 per month.

## Analysis and Conclusions of Law

### 130 CMR 519.005: Community Residents 65 Years of Age and Older

(A) Eligibility Requirements. Except as provided in 130 CMR 519.005(C)<sup>1</sup>, noninstitutionalized individuals 65 years of age and older may establish eligibility for MassHealth Standard coverage provided they meet the following requirements:

- (1) the countable-income amount, as defined in 130 CMR 520.009: *Countable-Income Amount*, of the individual or couple is less than or equal to 100% of the federal poverty level; and
- (2) the countable assets of an individual are \$2,000 or less, and those of a married couple living together are \$3,000 or less.<sup>2</sup>

Appellant is a household of one person over 65 years of age living in the community. Appellant completed a renewal Senior Application on August 14, 2023. Appellant owns a ¼ interest in an out of state property valued at \$82,800.<sup>3</sup> MassHealth updated the value of Appellant's ownership to reflect ¼ of \$82,800, and recalculated assets to total \$23,629. Because Appellant's assets exceed \$2,000, MassHealth correctly determined that Appellant is not eligible for MassHealth coverage. Assets also exceed current asset limits for Medicare Savings Programs (130 CMR 519.010, 519.011).<sup>4</sup> Therefore, MassHealth correctly denied Appellant's MassHealth application by notice dated December 6, 2023.

The appeal is DENIED.

Appellant can direct any questions about the Health Safety Net to 877-910-2100.

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<sup>1</sup> This section applies to parents and caretaker relatives of children younger than 19 years old.

<sup>2</sup> See also 130 CMR 520.003: Asset Limit (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.

<sup>3</sup> Countable assets are all assets that must be included in the determination of eligibility. Countable assets include assets to which the applicant or member or his or her spouse would be entitled whether or not these assets are actually received when failure to receive such assets results from the action or inaction of the applicant, member, spouse, or person acting on his or her behalf (130 CMR 520.007).

<sup>4</sup> Medicare Savings Plans (MSPs) are not insurance plans They are programs run by MassHealth that can help lower Medicare costs. For a single individual, asset limits are currently set at \$18,180. Effective March 1, 2024, MassHealth will disregard all assets in determining MSP eligibility; however, income limits for MSPs will apply.

## **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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Thomas J. Goode  
Hearing Officer  
Board of Hearings

cc: Appeals Coordinator: Sylvia Tiar, Tewksbury MassHealth Enrollment Center