

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2400578
Decision Date:	06/07/2024	Hearing Date:	February 8, 2024
Hearing Officer:	Stanley M. Kallianidis	Record-Open Date:	May 8, 2024

Appellant Representative:



MassHealth Representative:

Andrea Pelczar for Kim McAvinchey, Tewksbury



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
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APPEAL DECISION

Appeal Decision:	Denied	Issue:	Verifications
Decision Date:	06/07/2024	Hearing Date:	February 8, 2024
MassHealth Rep.:	Andrea Pelczar for Kim McAvinchey, Tewksbury	Appellant Rep.:	

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 4, 2023, MassHealth denied the appellant's application for MassHealth benefits because MassHealth determined that the verification process had not yet been completed (see 130 CMR 515.008 and Exhibit 1). The appellant filed this appeal in a timely manner on January 11, 2024 (see 130 CMR 610.015 and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Notice of the hearing was sent to the appellant on January 12, 2024 (Exhibit 3).

Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth benefits.

Issue

Pursuant to 130 CMR 515.008, has the appellant provided MassHealth with the requested verifications necessary for a determination of her eligibility for benefits?

Summary of Evidence

The MassHealth representative testified that the appellant's August 11, 2023 application was denied due to a failure to provide timely verifications. A verification request was sent out to the appellant. The verifications were not provided, and a Notice of Denial was issued on December 4, 2023 (Exhibit 1). The missing verifications at issue were the appellant's bank statements, brokerage accounts, retirement accounts and bonds (Exhibit 4).

At the hearing, the appellant's representative requested additional time to provide MassHealth with the missing verifications.

The record was left open for 60 days, until April 8, 2024, for the appellant to submit the requested verifications to MassHealth (Exhibit 5).

During, the record-open period, the appellant's representative indicated that the appellant's partner was having trouble procuring the requested asset verifications and request additional time so that a conservator could be obtained. The request was approved, and the hearing record was extended an additional 30 days to May 8, 2024. Following the close of the extended record-open period, the appellant's representative requested a further extension because a conservator had yet to be appointed for the appellant. The request to extend the appellant's record-open period beyond 90 days was denied. MassHealth confirmed at that time that none of the requested verifications had been submitted (Exhibit 6).

Findings of Fact

Based on a preponderance of the evidence, I find:

1. The appellant applied for MassHealth on August 11, 2023 (Exhibit 4).
2. The appellant's application was denied due to a failure to provide verifications (Exhibit 1).
3. The missing verifications at issue were the appellant's bank statements, brokerage accounts, retirement accounts and bonds (Exhibit 4).
4. The appellant's representative was unable to provide any of the requested verifications at hearing or during the extended 90-day record-open period (Exhibits 5-6).

Analysis and Conclusions of Law

The applicant or member must cooperate with MassHealth in providing information necessary to establish and maintain eligibility and must comply with all the rules and regulations of the MassHealth program including recovery (130 CMR 515.008(A)). If the requested information is not received, MassHealth benefits may be denied (130 CMR 516.001).

In the instant appeal, I have found that the appellant applied for MassHealth on August 11, 2023. The appellant's application was denied due to her failure to verify her bank statements, brokerage accounts, retirement accounts and bonds.

None of the requested verifications were provided at the hearing or during the record-open period.

Based upon the regulation cited above, and where the appellant did not provide the necessary verifications for a determination of eligibility, her application was correctly denied.

The appeal is therefore 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.

Stanley M. Kallianidis
Hearing Officer
Board of Hearings

cc:

Tewksbury MEC

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