

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2404178
Decision Date:	05/02/2024	Hearing Date:	04/23/2024
Hearing Officer:	Emily Sabo	Record Open to:	05/08/2024

Appearances for Appellant:



Appearance for MassHealth:

Kelly Souza, Taunton 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

Appeal Decision:	Denied	Issue:	Eligibility; Over 65
Decision Date:	05/02/2024	Hearing Date:	04/23/2024
MassHealth's Rep.:	Kelly Souza	Appellant's Rep.:	
Hearing Location:	Taunton MassHealth Enrollment Center (Telephone)	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 January 3, 2024, MassHealth denied the Appellant's application for MassHealth benefits because MassHealth determined that the Appellant had more countable assets than MassHealth benefits allow. 130 CMR 520.003, 130 CMR 520.004, and Exhibit 1. The Appellant filed this appeal in a timely manner on February 22, 2024. 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 the Appellant's application for benefits.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.003 and 130 CMR 520.004, in determining that the Appellant has more countable benefits than MassHealth allows.

Summary of Evidence

The hearing was held telephonically. The MassHealth representative testified that the Appellant is over the age of 65 and has a household size of two made up of the Appellant and his spouse. The MassHealth representative testified that the Appellant has \$30,417.68 in countable assets, which is \$27,417.68 more than the \$3,000 asset limit for a household of two for MassHealth Standard. *See also* Exhibit 1.¹

The Appellant and his spouse appeared and verified the Appellant's identity. The Appellant testified that one of the accounts referenced by MassHealth, a [REDACTED] money market account, had been closed in [REDACTED]. The Appellant did not contest that he had more than \$3,000 in countable assets but wanted to provide MassHealth with more up-to-date information on his assets.

The record was held open until May 1, 2024, for the Appellant to submit evidence that his [REDACTED] money market account had closed, and until May 8, 2024, for MassHealth to review and respond. On May 2, 2024, the MassHealth representative stated that MassHealth had not received any records from the Appellant. Exhibit 6.

Findings of Fact

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

1. The Appellant is over the age of 65. Testimony and Exhibit 4.
2. The Appellant has a household size of two. Testimony.
3. The Appellant's household's countable assets are greater than \$3,000. Testimony and Exhibit 1.

Analysis and Conclusions of Law

In evaluating financial eligibility for MassHealth Standard, the regulations at 130 CMR 519.005 provide:

519.005: Community Residents 65 Years of Age and Older

(A) Eligibility Requirements. Except as provided in 130 CMR 519.005(C),² noninstitutionalized individuals 65 years of age and older may establish eligibility for MassHealth Standard coverage

¹ No information was provided on the household income.

² 130 CMR 519.005(C) details the eligibility requirements for parents or caretaker relatives of a child younger than 19 years old.

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.

(B) Financial Standards Not Met. Except as provided in 130 CMR 519.005(C), individuals whose income, assets, or both exceed the standards set forth in 130 CMR 519.005(A) may establish eligibility for MassHealth Standard by reducing their assets in accordance with 130 CMR 520.004: *Asset Reduction*, meeting a deductible as described at 130 CMR 520.028: *Eligibility for a Deductible* through 520.035: *Conclusion of the Deductible Process*, or both.

130 CMR 519.005(A), (B).

To qualify for MassHealth Standard, the countable assets of a married couple living together must be \$3,000 or less. 130 CMR 519.005(A)(2). The Appellant did not provide any evidence that his household's countable assets are less than \$3,000. Thus, he is not financially eligible for MassHealth Standard unless he reduces his assets in accordance with 130 CMR 520.004. 130 CMR 519.005(B). Accordingly, MassHealth did not err in sending the January 3, 2024, notice and 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.

Emily Sabo
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780, 508-828-4616