

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Approved	<b>Appeal Number:</b>	2404785
<b>Decision Date:</b>	6/21/2024	<b>Hearing Date:</b>	April 23, 2024
<b>Hearing Officer:</b>	Stanley Kallianidis	<b>Record Open Date:</b>	May 23, 2024

**Appellant Representative:**



**MassHealth Representative:**

Douglas Thompson, Charlestown



***Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street, 6<sup>th</sup> floor  
Quincy, MA 02171***

# APPEAL DECISION

<b>Appeal Decision:</b>	Approved	<b>Issue:</b>	Excess assets
<b>Decision Date:</b>	6/21/2024	<b>Hearing Date:</b>	April 23, 2024
<b>MassHealth Rep.:</b>	Douglas Thompson		

## Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

## Jurisdiction

Notice dated March 1, 2024 was sent to the appellant stating that MassHealth had denied her application for MassHealth benefits due to excess assets (Exhibit 1). The appellant filed this March 26, 2024 and therefore, it is timely (see Exhibit 2 and 130 CMR 610.015). A denial of MassHealth benefits is grounds for appeal (130 CMR 610.032).

Notice of the hearing was sent to the appellant on April 5, 2024 (Exhibit 3).

## Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth benefits due to excess assets.

## Issue

Pursuant to 130 CMR 520.004, has the appellant reduced her excess assets to the allowable asset limitation?

## Summary of Evidence

The MassHealth representative testified that the appellant applied for MassHealth benefits on March 13, 2023 with a requested start date of December 28, 2022 (Exhibit 4). The appellant's application was denied due to assets over the \$2,000.00 limit for her household size. At issue was a bank account valued at \$2,275.00, cash from life insurance proceeds of \$4,000.00, a trust account valued at \$1,016.87, and \$156.66 in a PNA account. The total asset amount was \$7,448.54 and the excess asset amount was \$5,445.54 (Exhibit 4).

The appellant's representative testified that she believed the proceeds from the appellant's life insurance should not be counted because it is an inaccessible asset. She also questioned whether the MassHealth representative was correctly determining the appellant's countable income and projected start date.

The MassHealth representative indicated that he has not yet determined the appellant's countable income nor her projected start date. He explained that he could not do so until the appellant's assets have been reduced to below \$2,000.00.

During the record-open period, which was extended to allow for MassHealth's response, the appellant's representative verified that assets were below the \$2,000.00 threshold to the satisfaction of the MassHealth representative. He indicated that the total countable assets were now \$1,876.17, and that the application date of March 13, 2023 has been preserved. He also reiterated that he had not yet determined the appellant's MassHealth start date (Exhibits 5 & 6 ).

## Findings of Fact

The record shows, and I so find:

1. The appellant applied for MassHealth benefits on March 13, 2023 with a requested start date of December 28, 2022 (Exhibit 4).
2. The appellant's application was denied due to assets over the \$2,000.00 limit for her household size (Exhibit 1).
3. The appellant's representative reduced the assets to below \$2,000.00 during the record-open period to the satisfaction of the MassHealth representative, who also agreed to preserve the application date of March 13, 2023 (Exhibits 5 & 6).

## Analysis and Conclusions of Law

Pursuant to 130 CMR 520.003(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.

With regard to asset reduction, 130 CMR 520.004 provides as follows:

(A) Criteria

(1) An applicant whose countable assets exceed the asset limitation may be eligible for MassHealth:

(a) as of the date the applicant reduces his or her excess assets to the allowable asset limitation without violating the transfer of asset provisions for nursing facility residents at 130 CMR 520.018(C) or

(b) as of the date, described in 130 CMR 520.004(C), the applicant incurs medical bills that equal the amount of the excess assets and reduces the assets to the allowable asset limitation within 30 days of the date of the notification of excess assets.

(2) In addition, the applicant must be otherwise eligible for MassHealth.

In the instant appeal, I have found that the appellant applied for MassHealth benefits on March 13, 2023 with a requested start date of December 28, 2022. Initially, the appellant's application was denied due to assets over the \$2,000.00 limit for her household size. However, the appellant's representative reduced the assets to below \$2,000.00 during the record-open period to the satisfaction of the MassHealth representative, who then agreed to preserve the application date and to determine her eligibility for benefits.

Therefore, her appeal is approved.

## **Order for MassHealth**

Determine appellant's eligibility for MassHealth using March 13, 2023 application date.

## Implementation of this Decision

If this decision is not implemented within 30 days after the date of this notice, you should contact your local office. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings at the address on the first page of this decision.

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Stanley Kallianidis  
Hearing Officer  
Board of Hearings

cc:

