

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2410697
Decision Date:	09/13/2024	Hearing Date:	08/06/2024
Hearing Officer:	Marc Tonaszuck		

Appearance for Appellant:



Appearance for MassHealth:

Mary Frangules



*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 – 65 year of age and older
Decision Date:	09/13/2024	Hearing Date:	08/06/2024
MassHealth's Rep.:	Mary Frangules	Appellant's Rep.:	Pro se
Hearing Location:	Charlestown MassHealth Enrollment Center	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 06/27/2024, MassHealth informed the appellant that it decided he was not eligible for MassHealth benefits because he had more countable assets than MassHealth benefits allow (see 130 CMR 520.001, 520.003, 520.004 and Exhibit 1). The appellant filed this appeal in a timely manner on 07/08/2024 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth benefits because his assets exceed the program limits.

Issue

The appeal issue is whether MassHealth was correct in determining that the appellant is not eligible for MassHealth benefits because his assets exceed the program limits.

Summary of Evidence

Exhibits 1-3 were admitted into evidence. Parties participated in the fair hearing telephonically.

The MassHealth representative testified that the appellant is over 65 years of age, and he lives in the community. He is counted as a household of one for the purposes of MassHealth eligibility. A recent eligibility review was performed and according to the information obtained, the appellant has gross income is \$971.00 per month and he has assets in the amount of \$122,812.31 (bank accounts – \$1,621.25; and annuity - \$121,191.05).

MassHealth testified that the appellant's income is under 100% of the federal poverty level (\$1,255.00 for a family group of one as of 03/2024); but, his assets exceed the \$2,000.00 limit for MassHealth benefits. As a result, his application for MassHealth benefits was denied. He is eligible for Senior Buy-In benefits, a Medicare Savings Plan (MSP) whereby MassHealth pays his monthly Medicare Premium. The MassHealth notice also states that if the appellant lowers his assets to less than \$2,000.00, his eligibility will be redetermined.

The appellant appeared at the hearing and testified that filled out a MassHealth application and he thought he was denied for making too much money. He was interested in becoming eligible for MassHealth CommonHealth benefits, a benefit he once had while he was working as a freelance music professor. He explained his is no longer able to work because he was "attacked by a Spanish street gang who took his property while he was working at Boston City Hall." He spoke at length of the "crimes committed against [him] for racial reasons against a Black man."

Findings of Fact

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

1. Appellant is over 65 years of age and lives in the community. For the purposes of MassHealth eligibility, the appellant is a member of a household of one (Testimony).
2. Appellant's gross monthly income is \$971.00 per month, which is under the income guideline for an individual to be eligible for MassHealth benefits. (Testimony).
3. 100% of the federal poverty level for a household of one is \$1,255.00 as of 03/2024.
4. Appellant has assets in the amount of \$122,812.31 (bank accounts – \$1,621.25; and annuity - \$121,191.05) (Testimony).
5. On 06/27/2024, MassHealth informed the appellant that it decided he was not eligible for MassHealth benefits because he had more countable assets than MassHealth benefits allow

(Exhibit 1; Testimony).

6. The appellant filed this appeal in a timely manner on 07/08/2024 (Exhibit 2).
7. A fair hearing was held on 08/06/2024. Both parties appeared telephonically (Exhibit 3).

Analysis and Conclusions of Law

MassHealth regulations at 130 CMR 519.005 address MassHealth eligibility requirements for community residents aged 65 and older as follows:

Community Residents 65 Years of Age or Older

(A) Eligibility Requirements. Except as provided in 130 CMR 519.005(C), 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.

(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.

The appellant is over 65 years of age and he lives in the community. Although he disagreed with MassHealth's determination that he is not eligible for MassHealth benefits, he provided nothing to the hearing record to verify that his assets are under the \$2,000.00 limit for a single individual. He may send verification of his assets to MassHealth at any time for a redetermination of eligibility.

MassHealth counted the appellant's assets as follows: \$122,812.31 (bank accounts – \$1,621.25; and annuity - \$121,191.05). The appellant provided no testimony or documentation to challenge MassHealth's calculation of his assets. The asset limit for a single individual over 65 years of age to be eligible for MassHealth Standard benefits in the community is \$2,000.00. The appellant's assets of \$121,191.05 exceeds the \$2,000.00 asset limit. MassHealth correctly determined the appellant was over the asset limit.

Although the appellant disagreed with MassHealth's determination that he is not eligible for

benefits, he did not provide any evidence to support a different result. The evidence in the hearing record, as applied to the applicable regulations, supports MassHealth's denial of his application for senior benefits. As a result, this 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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Nga Tran, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129