

**Office of Medicaid
BOARD OF HEARINGS**


Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2415692
Decision Date:	11/13/2024	Hearing Date:	11/05/2024
Hearing Officer:	Scott Bernard		

Appearance for Appellant:
Pro se via telephone

Appearance for MassHealth:
Alyshia Guertin-Aguirre (Charlestown MEC) *via*
telephone

Interpreter:




*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:	Community Eligibility – over 65 – Excess Assets - Income
Decision Date:	11/13/2024	Hearing Date:	11/05/2024
MassHealth’s Rep.:	Alyshia Guertin- Aguirre	Appellant’s Rep.:	<i>Pro se</i>
Hearing Location:	Charlestown MassHealth Enrollment Center	Aid Pending:	N/A

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 September 18, 2024, MassHealth informed the appellant that he was not eligible for MassHealth benefits because he had more countable assets than MassHealth benefits allowed. (See 130 CMR 520.003; 520.004; and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on October 10, 2024. (See 130 CMR 610.015(B) and Ex. 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined that the appellant was not eligible for MassHealth benefits because he had more countable assets than MassHealth permitted.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.003 and 520.004 in determining that the appellant had more countable assets than MassHealth benefits permitted.

Summary of Evidence

An eligibility worker from the Charlestown MassHealth Enrollment Center (MEC) represented MassHealth. The appellant represented himself. At the appellant's request, the Board of Hearings provided an interpreter. All the hearing participants attended the hearing by telephone.

The MassHealth representative testified to the following. The appellant is appealing MassHealth's September 18, 2024 denial of his application for health coverage for seniors. (Testimony; Ex. 1). The appellant turned [REDACTED] years old on [REDACTED] 2024 and for that reason was required to submit a senior application. (Testimony; Ex. 3). The appellant is a citizen and resides in the community with his spouse. (Testimony). Until April 30, 2024, the appellant received MassHealth Standard as the parent of a child under the age of 19 years old. (Testimony; Ex. 3). MassHealth denied the appellant's application because he has more countable assets than MassHealth benefits allow. (Testimony; Ex. 1). According to the information the appellant provided to MassHealth, the appellant has one or more bank accounts containing a total of \$50,143.94. (Testimony; Ex. 1). Under MassHealth rules, the asset limit for a person living in the community with a spouse is \$3,000. (Testimony). The appellant is therefore \$47,193.94 over that asset limit. (Testimony; Ex. 1). The appellant is eligible for Health Safety Net Full, which provides coverage at any hospital or community health center. (Testimony; Ex. 1; Ex. 3).

The MassHealth representative continued by stating that the appellant is also over the income limit for MassHealth benefits. (Testimony). In order to be income eligible for MassHealth benefits, the gross monthly income for a household of two people cannot exceed \$1,704, which is equal to 100% of the federal poverty level (FPL). (Testimony). The appellant and his spouse receive gross earned income totaling \$3,231 per month. (Testimony).

The appellant testified to the following. The appellant wanted to clarify that he had opened the bank account for his son specifically to cover his college tuition and related expenses. (Testimony). The funds in the account had been deposited by the appellant, his wife, and other family members. (Testimony). Last year, the school had deducted \$8,000 from the account upon the son's enrollment. (Testimony). This amount covered both tuition and registration fees. (Testimony). Without the appellant's payment, his son would not have been able to attend the school. (Testimony). This year, the school had requested an additional \$4,000 for similar fees to keep the account active. (Testimony). In addition, the appellant provided his son with \$1,000 per month for living expenses and pocket money while attending school. (Testimony). The appellant felt it was essential to support his son financially, as he did not want him to struggle or have to ask others for money. (Testimony). The remaining balance in the account was between \$10,000 and \$15,000, which the appellant had intended to use to apply for a house through the lottery system. (Testimony). This amount represented the savings he had been able to accumulate over his life. (Testimony). At [REDACTED] years old, the appellant had worked for his current employer for 12 years and had been unable to save more than this due to personal and financial constraints. (Testimony). The appellant also noted that he had faced several serious health issues, which he detailed.

(Testimony).

At this point, the MassHealth representative informed the appellant that given his serious health conditions, he may be eligible for MassHealth CommonHealth. (Testimony). The appellant would need to undergo disability evaluation, however, and would need to first submit an Adult Disability Supplement to the Disability Evaluation Service (DES). (Testimony). If DES determined that the appellant was disabled he might be eligible for CommonHealth, which provides the same coverage as MassHealth Standard, if he met other criteria for such coverage. (Testimony). The MassHealth representative also gave the appellant the number of the Massachusetts Health Connector, which also may be able to provide assistance. (Testimony). She also suggested that the appellant contact Medicare since he is over 65 years old. (Testimony).

Findings of Fact

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

1. The appellant is appealing MassHealth's denial of his application for health coverage for seniors, which was issued on September 18, 2024. (Testimony; Ex. 1).
2. The appellant resides in the community with his spouse. (Testimony).
3. The appellant and his spouse receive gross earned income totaling \$3,231 per month. (Testimony).
4. Until April 30, 2024, the appellant received MassHealth Standard as a person under 65 years old who is a parent of a child under the age of 19. (Testimony; Ex. 3).
5. The appellant turned [REDACTED] years old on [REDACTED] 2024, and as a result, was required to submit an application for senior health coverage. (Testimony; Ex. 3).
6. MassHealth denied the appellant's application, citing that his countable assets exceed the program's allowable limit. (Testimony; Ex. 1).
7. According to the information provided by the appellant, he has one or more bank accounts totaling \$50,143.94. (Testimony; Ex. 1).
8. Under MassHealth rules, the asset limit for a person living in the community with a spouse is \$3,000. (Testimony).
9. Therefore, the appellant's assets exceed the limit by \$47,193.94. (Testimony; Ex. 1).
10. The appellant is also over the income limit for MassHealth benefits, which is \$1,704.00 per month for a household of two. (Testimony).

11. The appellant is eligible for Health Safety Net Full coverage, which provides access to services at any hospital or community health center. (Testimony; Ex. 1; Ex. 3).

Analysis and Conclusions of Law

Married, noninstitutionalized individuals who are not parents and caretaker relatives of children younger than 19 years old and who are 65 years of age and older may establish eligibility for MassHealth Standard coverage provided the countable income amount of the couple is less than or equal to 100% of the federal poverty level; and the countable assets of a married couple living together are \$3,000 or less. (130 CMR 519.005(A)). If these individuals' income, assets, or both exceed the income and/or asset standards, they may establish eligibility for MassHealth by reducing their assets, meeting a deductible, or both. (130 CMR 519.005(B); 520.004; 520.028 through 520.035).

The record shows that the appellant is living in the community with his spouse. The appellant has a bank account, a countable asset, with a total value of \$50,143.94. The appellant and his spouse's combined monthly earned income is \$3,231. As stated above, the asset limit for a married couple living together in the community is \$3,000 and the income limit for a two person household is \$1,704. The appellant is over the asset and income limit for MassHealth Standard. The record does not show that the appellant reduced his assets below the \$3,000 limit nor does it show that he has met the deductible. The appellant is not presently eligible for MassHealth benefits.

For the above reasons, 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.

Scott Bernard
Hearing Officer

Board of Hearings

Cc:

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