

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2415884
Decision Date:	11/12/2024	Hearing Date:	11/04/2024
Hearing Officer:	Marc Tonaszuck		

Appearance for Appellant:




Appearance for MassHealth:

Ricardo Nunez-Soto



*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
Decision Date:	11/12/2024	Hearing Date:	11/04/2024
MassHealth's Rep.:	Ricardo Nunez-Soto	Appellant's Rep.:	
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 09/17/2024, MassHealth informed the appellant that it decided she was not eligible for MassHealth benefits because she 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 10/05/2024 (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 her 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 her 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 she lives in the community. She 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 income under the eligibility guidelines; however, she has assets in the amount of \$26,801.91 (life insurance - \$7,320.47 and bank accounts – \$19,480.91).

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 her assets exceed the \$2,000.00 limit for MassHealth benefits. As a result, her application for MassHealth benefits was denied. The MassHealth notice also states that if the appellant lowers her assets to less than \$2,000.00, her eligibility will be redetermined.

The appellant appeared at the hearing and was assisted by her partner. The partner testified that the appellant does have the life insurance policy, but it is for when she dies. He did not understand why it was a countable asset. Next, he addressed the bank account. He testified that the appellant's son is the owner of the account, but that the appellant's name is also on the account. He concluded his testimony by stating that the appellant's son withdrew approximately \$10,000.00 from the account recently.

The MassHealth representative explained that the ownership of the life insurance policy can be transferred to a funeral home for a pre-need funeral contract. Also, the appellant can verify that the bank account belongs to the son, and she can remove her name from the account. At any time, the appellant can verify that the above steps were followed, and a new eligibility determination will be made by MassHealth. At the fair hearing, the appellant did not agree to perform the above steps.

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 under the income guideline for an individual to be eligible for MassHealth benefits. (Testimony).
3. On 09/17/2024, MassHealth informed the appellant that it decided she was not eligible for

MassHealth benefits because she had more countable assets than MassHealth benefits allow (Exhibit 1; Testimony).

4. The appellant filed this appeal in a timely manner on 10/05/2024 (Exhibit 2).
5. A fair hearing was held on 11/04/2024. Both parties appeared telephonically (Exhibit 3).
6. Appellant's name is on a bank account that has a verified balance of \$19,480.91 (Testimony).
7. Appellant is the owner of a life insurance policy that has a cash surrender value of \$7,320.47 (Testimony).
8. The asset limit for MassHealth eligibility for a person who is over 65 year of age and living in the community is \$2,000.00 (Testimony).

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 she lives in the community. Although she disagreed with MassHealth's determination that she is not eligible for MassHealth benefits, she provided nothing to the hearing record to verify that her assets are under the \$2,000.00 limit for a single individual. She may send verification of her assets to MassHealth at any time for a redetermination of eligibility.

MassHealth counted the appellant's assets as follows: \$26,801.38 (life insurance - \$7,320.47 and bank accounts – \$19,480.91). The appellant provided testimony that she was unwilling to change the ownership of the life insurance. Also, the appellant's partner testified that even though the owner of the money in the bank account is the appellant's son, the appellant has not provided verification of the ownership.

Based on the evidence in the hearing record, the appellant's assets totaling \$19,480.91 exceed the \$2,000.00 limit. MassHealth correctly determined the appellant was over the asset limit.

Although the appellant disagreed with MassHealth's determination that she is not eligible for benefits, she 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 her application for 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

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