

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2416579
<b>Decision Date:</b>	1/13/2025	<b>Hearing Date:</b>	11/27/2024
<b>Hearing Officer:</b>	David Jacobs		

**Appearances for Appellant:**



**Appearances for MassHealth:**

Mandy Lau, Charlestown MEC



*Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street  
Quincy, MA 02171*

## APPEAL DECISION

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Verifications
<b>Decision Date:</b>	1/13/2025	<b>Hearing Date:</b>	11/27/2024
<b>MassHealth Rep.:</b>	Mandy Lau	<b>Appellant Rep.:</b>	
<b>Hearing Location:</b>	Board of Hearings (Remote)		

### 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 October 21, 2024, MassHealth notified the appellant that she is not eligible for MassHealth long-term care benefits because she did not give MassHealth the information it needs to decide her eligibility within the required time frame (Exhibit 1). The appellant filed a timely appeal on October 29, 2024 (Exhibit 2). The denial of assistance is valid grounds for appeal (130 CMR 610.032(A)).

### Action Taken by MassHealth

MassHealth notified the appellant that she is not eligible for MassHealth long-term care services because she did not give MassHealth the information it needs to decide her eligibility within the required time frame.

### Issue

The appeal issue is whether MassHealth was correct in determining that the appellant is not eligible for MassHealth benefits?

## **Summary of Evidence**

The MassHealth representative appeared at the hearing by telephone and testified in summary as follows: The appellant applied for MassHealth long-term care benefits on July 5, 2024, with a requested start date of April 20, 2024. On October 21, 2024, a denial was issued for missing verifications (Exhibit 1). The MassHealth representative testified that they still need various bank, PNA, and annuity account statements that were laid out in a request sent to the appellant representative before and after the hearing (Exhibit 5, pgs. 3-4).

The appellant representative appeared at the hearing telephonically. He conceded to the facts laid out by MassHealth and testified that he needed additional time to submit the various accounting statements. Therefore, the hearing officer left the record open until December 11, 2024, for the appellant representative to submit documents and until December 18, 2024 for MassHealth to review the submissions (Exhibit 6). On December 9, 2024, the appellant representative requested an extension that was granted by the hearing officer (Exhibit 7). The record was extended until January 2, 2025, for the representative to submit documents and until January 9, 2025 for MassHealth to review the submissions (Exhibit 7). No further submissions were made by the appellant representative within the record-open period. On January 3, 2025, the appellant representative sent an email asking for another extension as he was out of the office on the 2<sup>nd</sup> and thus could not make the request during the record-open period (Exhibit 7). The hearing officer denied the request as being untimely and closed the record (Exhibit 7).

## **Findings of Fact**

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

1. On July 5, 2024, the appellant applied for MassHealth long-term care benefits.
2. On October 21, 2024, the appellant was denied for missing verifications.
3. The missing verifications are various bank, PNA, and annuity account statements.
4. The record was left open until December 11, 2024, for the appellant representative to submit the requested documents and until December 18, 2024 for MassHealth to review them.
5. The record-open period was then extended to January 2, 2025, for the appellant representative to submit documents and until January 9, 2025 for MassHealth to review them.
6. No documents were submitted by January 2, 2025.
7. On January 3, 2025, the appellant representative made a request for another record

open extension that was denied by the hearing officer as untimely.

## **Analysis and Conclusions of Law**

Once an application for MassHealth long-term care benefits has been submitted, the MassHealth agency requests all corroborative information necessary to determine eligibility (130 CMR 516.001). 130 CMR 516.001(B) provides the following with respect to corroborative information:

- (1) The MassHealth agency sends the applicant written notification requesting the corroborative information generally within five days of receipt of the application.
- (2) The notice advises the applicant that the requested information must be received within 30 days of the date of the request, and of the consequences of failure to provide the information.

130 CMR 516.001(C) sets forth the process regarding the receipt of corroborative information, and provides as follows:

If the requested information, with the exception of verification of citizenship, identity, and immigration status, is received within 30 days of the date of the request, the application is considered complete. The MassHealth agency will determine the coverage type providing the most comprehensive medical benefits for which the applicant is eligible. If such information is not received within 30 days of the date of the request, MassHealth benefits may be denied.

Here, MassHealth requested various bank, PNA, and annuity account statements (Exhibit 5, pgs. 3-4). It is undisputed that none of the requested documents were submitted by the record-open period deadline of January 2, 2025 (Exhibit 7). The appellant representative made a request for another extension on January 3, 2025, that was denied by the hearing officer as untimely (Exhibit 7). 130 CMR 610.004 defines a record open as “a period of time determined by the hearing officer that, if allowed by the hearing officer within his or her discretion, permits either party to a fair hearing the opportunity to submit post-hearing documentation, relevant evidence, or legal arguments.” Accordingly, it was within the discretion of the hearing officer to reject the appellant representative’s request outside the record open period as untimely. Therefore, it is found that the appellant has not satisfied MassHealth’s request in the time allowed. As such, the appellant has not demonstrated that MassHealth determination was made in error.

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.

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David Jacobs  
Hearing Officer  
Board of Hearings

cc: Charlestown MEC

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