

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	DENIED	<b>Appeal Number:</b>	2418944
<b>Decision Date:</b>	4/18/2025	<b>Hearing Date:</b>	01/17/2025
<b>Hearing Officer:</b>	Kenneth Brodzinski	<b>Record Open to:</b>	03/04/2025

**Appearance for Appellant:**




**Appearance for MassHealth:**

Lynn Bloomquist



*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

<b>Appeal Decision:</b>	DENIED	<b>Issue:</b>	Long Term Care; Asset Spenddown
<b>Decision Date:</b>	4/18/2025	<b>Hearing Date:</b>	01/17/2025
<b>MassHealth's Rep.:</b>	Lynn Bloomquist	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Tewksbury MEC		

### Authority

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

### Jurisdiction

Through notice dated November 25, 2024, MassHealth denied Appellant's application for MassHealth Long Term Care benefits due to her failure to provide MassHealth with requested documentation needed to determine her continued financial eligibility (Exhibit A). Appellant filed for this appeal in a timely manner on December 9, 2024 asserting that more time was needed to spend down excess assets (see 130 CMR 610.015(B) and Exhibit A).<sup>1</sup> Denial of MassHealth benefits constitutes valid grounds for appeal (see 130 CMR 610.032).

### Action Taken by MassHealth

MassHealth denied Appellant's application for MassHealth Long Term Care benefits due to excess assets.

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<sup>1</sup> At hearing, MassHealth testified that the verification matter had been resolved prior to hearing, with MassHealth honoring the original application date. Prior to hearing, a Conservator had been appointed and MassHealth had denied the application for excess assets. The Conservator, Appellant's representative, filed this appeal to obtain more time to spend down the excess assets.

## **Issue**

The appeal issue is whether Appellant has verified that she has properly spent down her excess assets.

## **Summary of Evidence**

Both parties appeared by telephone.

The MassHealth representative testified that Appellant filed an application for Masshealth Long Term Care benefits on April 10, 2024. As of November 25, 2024, Appellant had assets totaling \$208,125.01 from two bank accounts and a home located within the Commonwealth. The MassHealth representative testified that as of the date of hearing, the agency has not been provided with verifications that the excess assets have been properly spent down to below the \$2,000.00 asset limit.

Appellant was represented by legal counsel who had been appointed her Conservator. Appellant's representative agreed with the MassHealth representative's testimony and asked for the record to be held open to provide her more time to verify the spend down of the excess assets and the sale of the home. The request was granted and Appellant was granted until February 18, 2025 to submit the spenddown verifications to MassHealth and the Board of Hearings. Thereafter, MassHealth had until March 4, 2025 to file a written response to Appellant's post-hearing submission.

As of the record close dates and the date of this decision, the Board has received no further information from Appellant or MassHealth, and there has been no request for additional time to make such filings.

## **Findings of Fact**

Based on a preponderance of the evidence, this record supports the following findings:

1. Appellant filed an application for Masshealth Long Term Care benefits on April 10, 2024.
2. As of November 25, 2024, Appellant had assets totaling \$208,125.01 from two bank accounts and a home located within the Commonwealth.
3. As of the date of hearing, the agency had not been provided with verifications that the excess assets have been properly spent down to below the \$2,000.00 asset limit.

4. Appellant's representative asked for the record to be held open to provide her more time to verify the spend down of the excess assets and the sale of the home.
5. The request was granted, and Appellant was granted until February 18, 2025 to submit the spenddown verifications to MassHealth and the Board of Hearings.
6. As of the record-closed date and the date of this decision, the Board has received no further information from Appellant or MassHealth, and there has been no request for additional time to make such filings.

## **Analysis and Conclusions of Law**

The party appealing an administrative decision bears the burden of demonstrating the decision's invalidity (*Merisme v. Board of Appeals of Motor Vehicle Liability Policies and Bonds*, 27 Mass. App. Ct. 470, 474 (1989)). On this record, Appellant has failed to meet her burden.

At hearing, Appellant did not deny that she had countable assets of \$208,125.01, which exceed the \$2,000.00 eligibility limit (130 CMR 520.003 and 520.004). Appellant requested and was granted additional time to verify an asset spenddown and failed to do so by failing to make any post-hearing response whatsoever.

On this record, there is no basis in law and/or fact to overturn MassHealth's denial for excess assets. 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.

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Kenneth Brodzinski  
Hearing Officer  
Board of Hearings

cc:

Appellant Representative: [REDACTED]

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290