

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2419073
<b>Decision Date:</b>	03/21/2025	<b>Hearing Date:</b>	1/16/2025
<b>Hearing Officer:</b>	David Jacobs		

**Appearances for Appellant:**



**Appearances for MassHealth:**

Kathy Boileau, Taunton 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>	LTC; Over Assets
<b>Decision Date:</b>	03/21/2025	<b>Hearing Date:</b>	1/16/2025
<b>MassHealth Rep.:</b>	Kathy Boileau	<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 November 21, 2024, MassHealth denied the appellant's application for MassHealth long-term care benefits due to excess assets (Exhibit 1). The appellant filed an appeal in a timely manner on December 16, 2024 (Exhibit 2). Denial of assistance is valid grounds for appeal (130 CMR 610.032).

### Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth long-term care benefits.

### Issue

The appeal issue is whether MassHealth was correct in denying the appellant's application for MassHealth long-term care benefits?

## Summary of Evidence

On November 21, 2024, MassHealth denied the appellant's application for MassHealth long-term care benefits due to excess assets of \$4,399.83 (Exhibit 1). The MassHealth representative appeared at the hearing telephonically and identified that the appellant's countable assets are located in four life insurance policies with cash surrender values totaling \$4,619.82 and a bank account with a balance of \$1,780.01 owned by the appellant (Exhibits 1 and 4). The total value of these assets is \$6,399.83 (Exhibits 1 and 4). Because the appellant is allowed to keep \$2,000.00, MassHealth determined that the appellant had excess assets totaling \$4,399.83 (130 CMR 520.003(A)(1)).

The appellant representative appeared at the hearing telephonically and conceded to the facts laid out by MassHealth and requested a record-open period to spend down the assets. She testified that the appellant intended to spend down only the four life insurance policies as the money in the bank account is under \$2,000.00. The hearing officer agreed, and the record was held open until January 30, 2025 for the appellant to submit proof of the spenddown, and until February 6, 2025 for MassHealth to review the documents (Exhibit 6). On January 29, 2025, due to a death in the appellant's family, an extension was granted until February 26, 2025 for the appellant to submit documents and March 5, 2025 for MassHealth to review the submissions. (Exhibit 6). Due to this large extension, the hearing officer informed the appellant's representative that no further extensions would be allowed (Exhibit 6). On February 26, the appellant's representative submitted documents showing transfer of ownership of the life insurance policies were in process and she was just awaiting receipt of documentation showing the completion of the process (Exhibit 6). As the appellant was just awaiting confirmations, the hearing officer granted an additional week until March 5, 2025 for the appellant to submit proof (Exhibit 6). On March 4, 2025, the appellant's representative informed the parties that she still had not received proof of transfer of ownership and requested additional time (Exhibit 6). The hearing officer granted one last extension until March 11, 2025 for the appellant to submit the requested proofs (Exhibit 6). On March 11, 2025, the representative informed the parties again that proof of the change of ownership had still not been received but argued she was trying to expedite the final processes (Exhibit 6). The hearing officer gave the appellant the weekend, until March 17, 2025, to receive proof and stated he would not be granted any further extensions (Exhibit 6). MassHealth was allowed until March 24, 2025 to review any submissions (Exhibit 6). On March 17, 2025, the representative informed the parties that the funeral home was now requiring additional documentation that was not requested before to complete the transfer, and thus the proof of transfer of ownership was still not available (Exhibit 6). Due to the large number of extensions given already, the hearing officer was unwilling to extend the record further and closed the record (Exhibit 6).

## Findings of Fact

Based on a preponderance of the evidence, I find as follows:

1. On November 21, 2024, MassHealth denied the appellant's application for long-term care benefits due to excess assets of \$4,399.83.
2. The assets consist of four life insurance policies with cash surrender values totaling \$4,619.82. and a bank account with a balance of \$1,780.01 owned by the appellant.
3. The total value of these assets is \$6,399.83.
4. Because the appellant is allowed to keep \$2,000.00, MassHealth determined that the appellant had excess assets that total \$4,399.83.
5. After several extensions, the record was held open until March 17, 2025 for the appellant to submit documents showing proof of transfer of ownership of the life insurance policies at issue, and until March 24, 2025 for MassHealth to review any submissions.
6. The appellant did not submit proof of change of ownership of the life insurance policies by the record close date of March 17, 2025.

## Analysis and Conclusions of Law

The total value of countable assets owned by or available to an individual receiving MassHealth benefits may not exceed \$2,000 (130 CMR 520.003(A)(1)). The current evidence is that appellant owns countable assets that exceed \$2,000.00 (Exhibits 1 and 4). It is uncontested that proof of change of ownership to the funeral home of four life insurance policies with a cash surrender value of \$4,619.82 was not submitted by the record-open deadline of March 17, 2025 (Exhibit 6). Moreover, it was within the hearing officer's discretion not to allow further record-open extensions for the appellant's representative to obtain the relevant documents. 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." Here, the hearing officer exercised this discretion to not allow further record open extensions after granting over two months of them.

As the life insurance policies have total cash surrender values greater than the regulatory limit of \$2,000, MassHealth did not err in its decision.

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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David Jacobs  
Hearing Officer  
Board of Hearings

cc:

Taunton MEC

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