

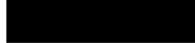
Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2419332
Decision Date:	2/14/2025	Hearing Date:	1/15/2025
Hearing Officer:	David Jacobs		

Appearances for Appellant:



Appearances for MassHealth:

Sandy Xie, Quincy 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

Appeal Decision:	Denied	Issue:	LTC; Over Assets
Decision Date:	2/14/2025	Hearing Date:	1/15/2025
MassHealth Rep.:	Sandy Xie	Appellant Rep.:	
Hearing Location:	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 4, 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 18, 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 4, 2024, MassHealth denied the appellant's application for MassHealth long-term care benefits due to excess assets of \$19,011.66 (Exhibit 1). The MassHealth representative appeared at the hearing telephonically and identified that the appellant's countable assets were located in a life insurance policy with a cash surrender value of \$3,498.15 and an IRA account worth \$17,513.51 owned by the appellant (Exhibit 1). The total value of these assets is \$21,011.66. Because the appellant is allowed to keep \$2,000.00, MassHealth determined that the appellant had excess assets totaling \$19,011.66.

The appellant representative appeared at the hearing telephonically and conceded to the facts laid out by MassHealth and requested a record open period to conduct a spend down of the assets. The hearing officer agreed, and the record was held open until January 29, 2025 for the appellant to submit documents and until February 5, 2025 for MassHealth to review the documents (Exhibit 10 pgs. 6-7). On January 29, 2025, an extension was granted until February 12, 2025 for the appellant to submit documents and February 19, 2025 for MassHealth to review the submissions (Exhibit 10, pg. 4). The appellant submitted documents to show that the IRA account had been spent down (Exhibit 9). On February 13, 2025, the MassHealth representative sent an email stating that she had not received any documents showing the life insurance policy had been spent down by the record open deadline of February 12, 2025 (Exhibit 10, pg. 3). Therefore, she maintained that the appellant is still over assets by the life insurance cash surrender amount of \$3,498.15 (Exhibit 10, pg. 3). Later that day, the appellant representative confirmed that he was still awaiting documentation from the insurance company showing proof of spend down (Exhibit 10, pg. 1). No requests for further extensions of the record open period were made by the record open deadline of February 12, 2025.

Findings of Fact

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

1. On November 4, 2023, MassHealth denied the appellant's application for long-term care benefits due to excess assets of \$19,011.66.
2. The over assets are located in a life insurance policy with a cash surrender value of \$3,498.15 and an IRA account in the amount of \$17,513.51 owned by the appellant.
3. The total value of these assets is \$21,011.66.
4. Because the appellant is allowed to keep \$2,000.00, MassHealth determined that the appellant had excess assets that total \$19,011.66.

5. The record was held open until January 29, 2025 for the appellant to submit documents showing a spend down, then extended to February 12, 2025.
6. The appellant submitted documents showing that the IRA account was spent down.
7. As of the record closing date of February 12, 2025, the appellant has not submitted documents showing the life insurance policy has been spent down.

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 (Exhibit 1). It is uncontested that verification of the spend down of the life insurance policy with a cash surrender value of \$3,498.15 had not been submitted by the record open deadline of February 12, 2025 (Exhibit 10, pgs. 1-2). Furthermore, no requests for further extensions of the record open period were made.

As the life insurance policy has a cash surrender value 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.

David Jacobs
Hearing Officer
Board of Hearings

cc:

Quincy MEC

