

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2502784
<b>Decision Date:</b>	4/23/2025	<b>Hearing Date:</b>	03/13/2025
<b>Hearing Officer:</b>	Christopher Jones	<b>Record Open to:</b>	04/11/2025

**Appearance for Appellant:**



**Appearance for MassHealth:**

Yous Khieu – Charlestown Intake



*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; Verifications
<b>Decision Date:</b>	4/23/2025	<b>Hearing Date:</b>	03/13/2025
<b>MassHealth's Rep.:</b>	Yous Khieu	<b>Appellant's Rep.:</b>	[REDACTED]
<b>Hearing Location:</b>	Telephonic	<b>Aid Pending:</b>	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 January 21, 2025, MassHealth denied the appellant's application for long-term-care services because the appellant did not give MassHealth information needed to decide eligibility. (Exhibit 1; 130 CMR 515.008.) The appellant filed this appeal in a timely manner on February 17, 2025. (Exhibit 2; 130 CMR 610.015(B).) Denial of assistance is valid grounds for appeal. (130 CMR 610.032.)

Following the hearing, the record was left open until April 11, 2025, for the appellant to submit additional verifications and for MassHealth to review and respond.

### Action Taken by MassHealth

MassHealth denied the appellant's long-term-care application because the appellant did not provide documentation needed to verify all eligibility conditions.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 515.008 and 516.001, in determining that the appellant is ineligible for coverage for failing to cooperate and verify resources.

## Summary of Evidence

MassHealth's representative testified that an application for long-term-care benefits was submitted on November 29, 2024. On December 13, 2024, MassHealth mailed out a request for verifications, including verification of income, assets, as well as the nursing facility documentation. As of the hearing date, nothing had been submitted.

The appellant's representative testified that the original business-office manager had left, and while they had some of the necessary documents, they needed additional time to submit everything requested. The hearing record was left open until April 4, 2025, for the appellant to submit documents, and April 11, 2025, for MassHealth to review and respond.

The appellant's record open deadline passed and nothing had been submitted. The appellant was asked if they had submitted anything but failed to copy the hearing officer. They confirmed that nothing had been submitted, and they belatedly requested additional time. This request for an extension was denied.

## Findings of Fact

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

- 1) A long-term-care application was submitted on November 29, 2024. (Testimony by MassHealth's representative.)
- 2) A request for verifications was mailed out on December 13, 2024, and when nothing was received, MassHealth denied the application on January 21, 2025. (Testimony by MassHealth's representative; Exhibit 1.)
- 3) As of the hearing date, none of the requested verifications were submitted. The hearing record was left open until April 4, 2025, for the appellant to submit requested verifications. Nothing was submitted. (Exhibit 5.)

## Analysis and Conclusions of Law

MassHealth applicants must establish financial eligibility by documenting their income and showing that their assets are below a threshold, or that they reduced their assets in accordance with state and federal law. (See 130 CMR 520.000.) To qualify for long-term-care benefits, an applicant must complete an application and cooperate with the MassHealth agency by submitting corroborative information. (See 130 CMR 516.001.) "If the requested information is received within 30 days of the date of denial, the date of receipt of one or more of the verifications is considered the date of reapplication." (130 CMR 516.002(A).) If a MassHealth member fails to cooperate with

MassHealth and submit the documentation requested, MassHealth will deny the member's application. (See 130 CMR 515.008(C).)

The appellant failed to submit all requested information and cooperate with MassHealth during the processing of their application. The appellant further failed to submit requested verifications despite an extension afforded through the fair hearing process. For this reason, 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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Christopher Jones  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Thelma Lizano, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129