

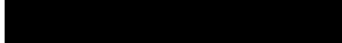
**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Approved	<b>Appeal Number:</b>	2506580
<b>Decision Date:</b>	8/15/2025	<b>Hearing Date:</b>	05/29/2025
<b>Hearing Officer:</b>	Marc Tonaszuck	<b>Record Open to:</b>	07/11/2025

**Appearance for Appellant:**




**Appearance for MassHealth:**

Wilfredo Colon



*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>	Approved	<b>Issue:</b>	Long Term Care
<b>Decision Date:</b>	8/15/2025	<b>Hearing Date:</b>	05/29/2025
<b>MassHealth's Rep.:</b>	Wilfredo Colon	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Taunton MassHealth Enrollment Center	<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 03/27/2025, MassHealth informed the appellant, a nursing home resident, that he was not eligible for MassHealth Long Term Care (LTC) benefits because he failed to provide requested verifications within the time required (130 CMR 515.008; Exhibit 1). A timely appeal was filed on the appellant's behalf by his conservator<sup>1</sup> on 04/28/2025 (130 CMR 610.015(B); Exhibit 2). Denial of assistance is valid grounds for appeal (130 CMR 610.032).

A fair hearing took place on 05/29/2025, at which time the appellant representative requested additional time to submit the requested verifications to MassHealth. Her request was granted, and the record remained open until 07/11/2025 for the appellant's submission and until 07/25/2025 for MassHealth's response (Exhibits 3 and 6).

### Action Taken by MassHealth

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

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<sup>1</sup> See Exhibit 4.

## Issue

Did MassHealth correctly deny the appellant's long term care application?

## Summary of Evidence

The MassHealth representative testified telephonically that the appellant applied for MassHealth long term care benefits on 02/05/2025, seeking MassHealth benefits beginning on 11/01/2024. That application was denied for failure to provide requested verifications. As of the hearing date, the following verifications remained outstanding:

- [REDACTED] # [REDACTED] – transfers and deposits;
- [REDACTED] # [REDACTED] – Statements and verifications of transactions over \$1,500.00;
- Real Estate – MassHealth requests information regarding mortgage and who resides in the property.

(Exhibit 5.)

The MassHealth representative testified that he recently received a large submission from the appellant and had not yet had an opportunity to review it as to whether it addresses the above outstanding verifications.

The appellant was represented at the fair hearing by his conservator. She testified that all verifications have been provided to MassHealth.

The record remained open in this matter until 07/11/2025 for the appellant to provide missing verifications, if any, to MassHealth. MassHealth's deadline to respond in writing was 07/25/2025 (Exhibit 6).

The appellant did not provide any submission to the hearing record. MassHealth did not make submission during the record open period.<sup>2</sup>

## Findings of Fact

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

1. The appellant, a nursing home resident, submitted an application for MassHealth long term care benefits on 02/05/2025, seeking 11/01/2024 as a MassHealth benefit start date.

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<sup>2</sup> On 08/05/2025, the MassHealth representative wrote to the hearing officer and the appellant's conservator. His submission was received after the deadline and was not accepted as part of the hearing record.

2. The 03/27/2025 application was denied for a failure to provide missing verifications to MassHealth.
3. On 02/20/2025, MassHealth sent the appellant a request for verification of various financial information necessary to make an eligibility determination.
4. The requested verifications were not received by MassHealth by the deadline and on 03/27/2025, the appellant's application for long term care benefits was denied by MassHealth.
5. On 04/28/2025, the appellant's authorized representative filed a timely appeal with the Board of Hearings.
6. A fair hearing was held before the Board of Hearings on 05/29/2025.
7. Prior to the fair hearing, the appellant submitted to MassHealth documents purporting to respond to the request for verifications.
8. At the fair hearing, the MassHealth representative testified he had not had an opportunity to fully review the documents provided by the appellant.
9. The record was held open in this matter until 07/11/2025 for the appellant's representative to submit the missing verifications and until 07/25/2024 for MassHealth's response.
10. Neither party made submission to the hearing record.

## **Analysis and Conclusions of Law**

The LTC application date at issue in this appeal is 02/05/2025. The appellant is seeking a benefit start date of 11/01/2024. As part of the eligibility process, MassHealth requested verification of certain financial information from the appellant. The requested information was not received by the MassHealth deadline and the LTC application was denied on 03/27/2025.

At the fair hearing on 05/29/2025, the parties requested that the record remain open so that the MassHealth representative could respond to a submission made by the appellant just prior to the hearing. The record remained open until 07/25/2025 for the parties to exchange documentation. Neither party submitted during the record open period.

At the fair hearing, the appellant asserted that all verifications were submitted to MassHealth. The MassHealth worker acknowledged that a large submission was made prior to the fair hearing and that he had not yet had an opportunity to review the documents. The hearing officer left the record

open, but the MassHealth representative did not respond by the deadline.

Based on the facts that the appellant made a large submission prior to the fair hearing; that the MassHealth representative acknowledged receiving the submission, but did not have time to review it prior to the hearing; that time was allotted to allow MassHealth to inform the hearing officer whether all verifications were received; and that the MassHealth representative failed to communicate with the hearing officer during the record open; I conclude that all verifications were submitted by the appellant. This appeal is therefore approved.

## **Order for MassHealth**

Process the application dated 02/05/2025. If additional information is necessary, MassHealth may request it from the appellant.

## **Implementation of this Decision**

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, Division of Medical Assistance, at the address on the first page of this decision.

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Marc Tonaszuck  
Hearing Officer  
Board of Hearings

cc: [REDACTED]

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780