

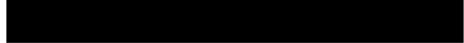
Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2508936
Decision Date:	10/28/2025	Hearing Date:	7/18/2025
Hearing Officer:	David Jacobs	Record Open:	10/17/2025

Appearance for Appellant:



Appearance for MassHealth:

Patricia Rogers, Charlestown 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:	Verifications
Decision Date:	10/28/2025	Hearing Date:	7/18/2025
MassHealth Rep.:	Patricia Rogers	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 4/15/2025, MassHealth notified the appellant that it was ending her MassHealth community benefits effective 4/29/2025, and denying long-term care (“LTC”) benefits, because she did not give MassHealth the information it needs to decide her eligibility within the required time frame (Exhibit 1). The appellant filed a timely appeal on 6/12/2025 (Exhibit 2). Denial of assistance is valid grounds for appeal (130 CMR 610.032(A)).

Action Taken by MassHealth

MassHealth notified the appellant that it was ending her MassHealth community benefits effective 4/29/2025, and denying long term care benefits, because she did not give MassHealth the information it needs to decide her eligibility within the required time frame.

Issue

The appeal issue is whether MassHealth was correct to deny the appellant’s MassHealth long term care benefits.

Summary of Evidence

The MassHealth representative appeared at the hearing telephonically and testified in summary as follows: The appellant applied for MassHealth long-term care benefits via a conversion application on 3/4/2025 with a requested start date of 2/5/2025. On 3/11/2025, a request for information was sent to the appellant. The appellant did not submit requested verifications and the denial on appeal was issued on 4/15/2025 (Exhibit 1). The MassHealth representative testified that MassHealth's system identified a [REDACTED] pension, with the appellant as the beneficiary, and is requesting documentation related to this pension.

The appellant's representative appeared at the hearing telephonically. She conceded to the facts laid out by MassHealth including the existence of the [REDACTED] pension in the appellant's name. However, she testified that the pension is suspended, and the appellant has not received payments from it in over 3 years. She argued that it has been almost impossible to get documentation about this pension due to the source being a [REDACTED] pension company. She had attempted to reach out to the [REDACTED] consulate for help, but they will not assist her without a Power of Attorney. The appellant's representative argues that the appellant has a Health Care Proxy in effect, and once you have a Health Care Proxy you are precluded from being able to obtain a Power of Attorney. Moreover, she requests that MassHealth consider the pension documents inaccessible due to the incredible difficulty she has had trying to obtain them.

MassHealth responded that the inaccessible asset regulations specifically refer to assets and not income. The pension at issue is potential income and thus even if MassHealth could consider it inaccessible, those regulations do not apply. Therefore, MassHealth does not consider the [REDACTED] pension inaccessible. The hearing officer left the record open until 8/8/2025 for the appellant to make further attempts to obtain the pension documents, as well as a legal brief to support the representative argument that a Health Care Proxy precludes the appellant representative from obtaining a Power of Attorney for the appellant (Exhibit 10).

By email dated 7/25/2025, the appellant representative stated that the appellant's family discovered a letter from the [REDACTED] pension company requesting proof of life from the appellant (Exhibit 7). The letter was never returned and the [REDACTED] consulate stated that the pension was suspended since November 2023 due to the appellant failing to supply proof of life (Exhibit 8). The appellant may be able to reactivate the pension and receive retroactive payments if she shows proof of life *id.* The appellant representative then requested additional time to complete this process (Exhibit 11). The hearing officer agreed, and the record open period was extended to 8/22/2025 for the appellant to submit documents and until 9/5/2025 for MassHealth to review the submissions *id.* On 8/21/2025, the appellant representative sent an email stating that the process to reactivate was still ongoing and being made difficult by the fact that correspondence from the pension company was being sent to a previous address of the appellant's *id.* Therefore, another extension was requested *id.* The hearing officer granted this extension, and the record was extended to 9/11/2025 for the appellant to submit documents and 9/18/2025 for MassHealth to review the submissions *id.*

On 9/10/2025, the appellant representative sent an email stating that the address issue was proving formidable as the address the [REDACTED] pension company has on file is an old address and it cannot be changed unless done so directly with the pension company itself *id.* Therefore, the appellant is not getting any correspondence from them and is unable to complete the reactivation of the pension *id.* The appellant representative provided an email exchange with the [REDACTED] consultant that describes the address issue (Exhibit 9). The appellant representative requested that MassHealth see her efforts as proof that the documents are inaccessible (Exhibit 11). The hearing officer responded that he was sympathetic to efforts the representative was making and was willing to extend the record open period one final time until 10/17/2025 *id.* On 10/6/2025, the appellant representative sent an email stating that she is still unable to obtain any documents for the pension *id.* On 10/17/2025, the appellant representative reiterated that she was unable to obtain the documents and would appeal a potential denial from the Board of Hearings to Superior Court *id.* The record then closed.

Findings of Fact

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

1. On 3/4/2025, the appellant applied for MassHealth long-term care benefits with a requested start date of 2/5/2025.
2. On 3/11/2025, a request for verifications was sent to the appellant.
3. On 4/15/2025, the appellant received notice that her community benefits were ending effective 4/29/2025, and her long term care application was denied due to failure to submit verifications.
4. The missing verification is a pension in the appellant's name from a [REDACTED] pension company.
5. MassHealth's system identified a [REDACTED] pension, with the appellant as the beneficiary.
6. During the record open period, the appellant's representative reported that the pension was suspended because the appellant failed to provide requested proof of life. The pension may be activated again with retroactive payment if the appellant submits proof of life.
7. After several extensions, the record was held open until 10/17/2025 for the appellant to submit verification of the pension or documents supporting the appellant's argument that the documents at issue should be considered inaccessible per 130 CMR 520.006.
8. The [REDACTED] pension company has a former address of the appellant on record and is sending correspondence to that old address. The address must be changed directly with

the pension company.

9. On 10/6/2025, the appellant representative confirmed that the requested pension documents were still outstanding.
10. On 10/17/2025, the record closed without the requested pension documents being submitted.

Analysis and Conclusions of Law

Once an application for MassHealth long-term care benefits has been submitted, the MassHealth agency requests all corroborative information necessary to determine eligibility (130 CMR 516.001). 130 CMR 516.001(B) provides the following with respect to corroborative information:

- (1) The MassHealth agency sends the applicant written notification requesting the corroborative information generally within five days of receipt of the application.
- (2) The notice advises the applicant that the requested information must be received within 30 days of the date of the request, and of the consequences of failure to provide the information.

130 CMR 516.001(C) sets forth the process regarding the receipt of corroborative information, and provides as follows:

If the requested information, except for verification of citizenship, identity, and immigration status, is received within 30 days of the date of the request, the application is considered complete. The MassHealth agency will determine the coverage type providing the most comprehensive medical benefits for which the applicant is eligible. If such information is not received within 30 days of the date of the request, MassHealth benefits may be denied.

Here, it is uncontested that the [REDACTED] pension MassHealth is requesting exists and is in the appellant's name. It is also uncontested that the requested documentation related to this pension was not submitted by the record close date of 10/17/2025 (Exhibit 11).

The appellant representative initially argued that she is unable to obtain the pension documents because the [REDACTED] consulate requires a Power of Attorney document, and the Health Care Proxy that is in effect for the appellant precludes her from obtaining a Power of Attorney. The hearing officer requested the representative provide legal support for this argument (Exhibit 10). No such legal support was submitted and I reject this novel argument as having no legal basis. Furthermore, it appears the appellant representative was eventually able to secure the aid of the [REDACTED] consulate without a Power of Attorney.

The appellant representative also argued that the difficulty she has had obtaining the requested pension documents, due to the pension company being a foreign entity and correspondence

going to an old address, is tantamount to legal inaccessibility per 130 CMR 520.006.

520.006: Inaccessible Assets

(A) Definition. An inaccessible asset is an asset to which the applicant or member has no legal access. The MassHealth agency does not count an inaccessible asset when determining eligibility for MassHealth for the period that it is inaccessible or is deemed to be inaccessible under 130 CMR 520.006.

(B) Examples of Inaccessible Assets. Inaccessible assets include, but are not limited to
(1) property, the ownership of which is the subject of legal proceedings (for example, probate and divorce suits); and
(2) the cash-surrender value of life-insurance policies when the policy has been assigned to the issuing company for adjustment.

(C) Date of Accessibility. The MassHealth agency considers accessible to the applicant or member all assets to which the applicant or member is legally entitled
(1) from the date of application or acquisition, whichever is later, if the applicant or member does not meet the conditions of 130 CMR 520.006(C)(2)(a) or (b); or
(2) from the period beginning six months after the date of application or acquisition, whichever is later, if
(a) the applicant or member cannot competently represent his or her interests, has no guardian or conservator capable of representing his or her interests, and the authorized representative (which may include a provider) of such applicant or member is making a good-faith effort to secure the appointment of a competent guardian or conservator; or
(b) the sole trustee of a Medicaid Qualifying Trust, under 130 CMR 520.022(B), is one whose whereabouts are unknown or who is incapable of competently fulfilling his or her fiduciary duties, and the applicant or member, directly or through an authorized representative (which may include a provider), is making a good-faith effort to contact the missing trustee or to secure the appointment of a competent trustee.

MassHealth argued that 130 CMR 520.006 applies to assets, and, because the appellant's pension is a source of income, 130 CMR 520.006 does not apply. The appellant's pension here is income, not an asset, however even if it was considered an asset the regulatory requirements of 130 CMR 520.006 are not met. This is not a resource to which the appellant has no legal access; it is not property, the ownership of which is the subject of legal proceedings (for example, probate and divorce suits); nor is it the cash-surrender value of life-insurance policies when the policy has been assigned to the issuing company for adjustment. Although the appellant's pension was suspended in November 2023, the pension may be reactivated with retroactive payments if the appellant provides the pension company proof of life *id.* The appellant has legal access to this pension and her difficulties in changing her address and/or providing proof of life do not rise to the level of "no legal access" required by 130 CMR 520.006.

Therefore, even if 130 CMR 520.006 could apply to income, the appellant's pension is not inaccessible pursuant to the requirements of the regulation.

It is uncontested that not all requested documents were submitted to MassHealth per 130 CMR 516.001(C). Therefore, MassHealth did not err in denying the appellant's MassHealth long-term care benefits.

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.

David Jacobs
Hearing Officer
Board of Hearings

cc:

Taunton MEC

