

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2509633
Decision Date:	11/6/2025	Hearing Date:	08/15/2025
Hearing Officer:	Kenneth Brodzinski	Record Open to:	10/10/2025

Appearance for Appellant:



Appearance for MassHealth:

Patricia Lemke



*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

Appeal Decision:	DENIED	Issue:	Long Term Care: Excess Assets
Decision Date:	11/6/2025	Hearing Date:	08/15/2025
MassHealth's Rep.:	Patricia Lemke	Appellant's Rep.:	
Hearing Location:	Springfield MEC		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through notice dated April 30, 2025, MassHealth informed Appellant that her application for MassHealth Long Term Care (LTC) benefits was denied because her countable assets exceed the eligibility limit. The notice also informed Appellant that she had 30 days to verify that the excess assets have been properly spent down to avoid the need to file a new application ([Exhibit A](#)). Appellant is deceased and the Voluntary Administrator of her estate timely filed for an appeal on June 27, 2025, authorizing the appeal representative to appear on behalf of the estate ([Exhibit A](#)). Denial of an application for benefits constitutes valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied Appellant's LTC application due to excess countable assets.

Issue

The issue on appeal is whether MassHealth properly applied the controlling regulation(s) to accurate facts when it denied Appellant's application for MassHealth LTC benefits.

Summary of Evidence

Both parties appeared by telephone. Prior to hearing, MassHealth submitted a packet of documentation (Exhibit B).

The appellant is deceased and the Voluntary Administrator of her estate filed this appeal, authorizing the appeal representative to represent the estate at the hearing. The MassHealth representative testified that Appellant filed a LTC application on February 20, 2025. The application was denied on April 17, 2025 due to missing verifications. Verifications were ultimately received and the application was given a re-application date of April 30, 2025. Masshealth determined that Appellant's countable assets exceed the \$2,000.00 eligibility limit and issued the subject denial letter informing Appellant that she had 30 days to verify that excess assets have been properly spent down (Exhibit A). Verifications filed by Appellant showed Appellant had an account at [REDACTED] holding \$8,032.00 and an IRA holding \$4,215.00 for total countable assets of \$12,447.00. Deducting the \$2,000.00 asset allowance, Appellant was determined to have \$10,447 in excess countable assets (Exhibit B).

Appellant's representative did not dispute the Masshealth representative's testimony. Appellant's representative requested that the record be held open to allow her an opportunity to file verifications showing that the assets had been properly spent down within the 30-day time frame. The request was allowed. Appellant was given one month to file the verifications. MassHealth was given two weeks thereafter to file a response. Prior to the record close date for Appellant, Appellant requested a further two-week extension. This was also granted. Appellant had until September 26, 2025 to make her filing. Masshealth had until October 10, 2025 to file a response.

Appellant missed the record open deadline and made her final filing on October 3, 2025 supplying two pages from [REDACTED] (Exhibit C). Despite the late filing, Appellant's post-hearing submission was accepted into the record. Masshealth filed a response on October 10, 2025 with a follow-up on October 15, 2025 (Exhibit D). According to Masshealth, the [REDACTED] statement showed a balance of \$2,776.72 as of September 12, 2025 and no information was supplied concerning the IRA account funds (Id). Accordingly, Masshealth concluded that Appellant has not yet verified that her assets were properly spent down within the thirty-day period after the denial notice was issued (Id). Thereafter, Appellant made a third request for additional time to make a filing, which was denied (Id).

Findings of Fact

Based on a preponderance of the evidence, this record supports the following findings:

1. Appellant filed a LTC application on February 20, 2025.

2. MassHealth denied on April 17, 2025 due to missing verifications.
3. Verifications were ultimately received and the application was given a re-application date of April 30, 2025.
4. Masshealth determined that Appellant's countable assets exceed the \$2,000.00 eligibility limit and issued the subject denial letter informing Appellant that she had 30 days to verify that excess assets have been properly spent down (Exhibit A).
5. Verifications filed by Appellant showed Appellant had an account at [REDACTED] holding \$8,032.00 and an IRA holding \$4,215.00 for total countable assets of \$12,447.00.
6. Deducting the \$2,000.00 asset allowance, Appellant was determined to have \$10,447 in excess countable assets (Exhibit B).
7. Appellant was given one month after the hearing to file verifications that the excess assets had been spent down within the 30-day period.
8. Upon a second request, Appellant was given an additional two weeks to make her filing.
9. Appellant missed the record open deadline and made her final filing on October 3, 2025 supplying two pages from [REDACTED] (Exhibit C).
10. Despite the late filing, Appellant's post-hearing submission was accepted into the record. Masshealth filed a response on October 10, 2025 with a follow-up on October 15, 2025 (Exhibit D).
11. The [REDACTED] statement showed a balance of \$2,776.72 as of September 12, 2025, and no information was supplied concerning the IRA account funds (Id).

Analysis and Conclusions of Law

The party appealing an administrative decision bears the burden of demonstrating the decision's invalidity (*Merisme v. Board of Appeals of Motor Vehicle Liability Policies and Bonds*, 27 Mass. App. Ct. 470, 474 (1989)). On this record, Appellant has not met her burden.

In order to qualify financially for MassHealth LTC benefits, an individual applicant or member cannot have countable assets in excess of \$2,000 (130 CMR 520.003). An applicant or member has 30 days after the notice of denial or termination for excess assets to verify to MassHealth that the excess has been properly spent down (130 CMR 520.004).

Masshealth denied Appellant's LTC application on April 30, 2025 (Exhibit A). Appellant has repeatedly failed to document that her excess assets were spent down to \$2,000.00 or below within thirty days of the denial. Appellant's post hearing submission shows that as late as September 12, 2025, she still had excess assets in her [REDACTED] account and had made no showing of a reduction in her IRA funds (Exhibits C and D).

For the foregoing reasons, 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.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

cc:

[REDACTED]

[REDACTED]

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 243 Cottage Street, Springfield, MA 01104, 413-785-4186