

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	DENIED	<b>Appeal Number:</b>	2514668
<b>Decision Date:</b>	01/23/2026	<b>Hearing Date:</b>	11/13/2025
<b>Hearing Officer:</b>	Kenneth Brodzinski	<b>Record Open to:</b>	01/08/2026

**Appearance for Appellant:**



**Appearance for MassHealth:**

Jenny Chan – Quincy MEC



*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 – Excess Assets
<b>Decision Date:</b>	01/23/2026	<b>Hearing Date:</b>	11/13/2025
<b>MassHealth’s Rep.:</b>	Jenny Chan	<b>Appellant’s Rep.:</b>	[REDACTED]
<b>Hearing Location:</b>	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 July 11, 2025, MassHealth denied the deceased Appellant’s application for MassHealth Long Term Care (LTC) benefits on the grounds that she had countable assets which exceed the Masshealth eligibility limit (Exhibit A). Appellant’s estate’s authorized representative filed for an appeal on September 29, 2025 and BOH dismissed for timeliness (Exhibit A). Appellant’s representative requested that the dismissal be vacated and BOH allowed such request. Denial of a LTC application constitutes valid grounds for appeal (see 130 CMR 610.032).

## Action Taken by MassHealth

MassHealth denied Appellant’s application for MassHealth Long Term Care (LTC) benefits on the grounds that she had countable assets which exceed the Masshealth eligibility limit.

## Issue

The appeal issue is whether MassHealth properly applied the controlling regulation(s) to accurate facts when it denied Appellant’s application for MassHealth Long Term Care (LTC) benefits on the grounds that she had countable assets which exceed the MassHealth eligibility limit.

## Summary of Evidence

Both parties appeared by telephone.

The MassHealth representative testified that Appellant filed a LTC application on July 24, 2024. Almost a year later, on July 11, 2025, MassHealth denied the application on the grounds that the Appellant's countable assets were above the \$2,000.00 eligibility limit. Appellant passed away in [REDACTED]

The MassHealth representative testified that the countable assets are as follows:

[REDACTED]	\$1.00
[REDACTED]	\$404.00 as of April 1, 2024
[REDACTED]	\$1,596.34 as of April 1, 2024
[REDACTED]	\$16,818.11 as of September 30, 2024
[REDACTED]	<u>\$16,722.17 as of September 30, 2024</u>
Total Countable Assets	\$35,541.62
Excess Assets	\$33,541.62

The MassHealth representative testified that Appellant's representative had thirty days from the date of the denial notice to evidence to MassHealth that the excess assets have been properly spent down. As of the date of the hearing, Appellant's representative has not verified any spend down of countable assets.

Appellant's representatives noted that they had furnished MassHealth with updated verifications of the [REDACTED] accounts showing that one the two accounts was closed on August 12, 2025 and the funds deposited into the other account which totaled \$1,899.96 as of August 25, 2025 (See, documents attached to Exhibit A).

Appellant's representatives testified that once the applicant died, the TIAFF accounts were no longer part of the estate as the funds went to the two account beneficiaries (the applicant's sister and [REDACTED]). According to Appellant's representatives, the estate has no ability to access the funds once held in the [REDACTED] accounts as they no longer belonged to the deceased applicant.

Counsel for Appellant explained that she had been appointed POA for the applicant in April 2024. Once the applicant passed in January 2025, it took some time for Counsel to be appointed the Personal Representative (PR) of the estate. Counsel gained the appointment in April 2025. Counsel explained that as the applicant's POA, [REDACTED] would send her the account statements but

would not send her information on the beneficiaries either as the POA or the estate PR. Counsel testified that she was provided the information about the identity of the two [REDACTED] beneficiaries by phone, but the company would not send her anything in writing.

The MassHealth representative suggested a subpoena which Counsel agreed to try. The record was left open for Counsel to issue a subpoena to [REDACTED] f.

Appellant's representative filed a post-hearing submission in a timely manner (Exhibit B). The information received from [REDACTED] confirms that both accounts have named beneficiaries with 50% of the account balances to be distributed to the decedent's sister and 50% to [REDACTED] (Id).

MassHealth timely filed a response (Exhibit C) indicating that the [REDACTED] accounts remained countable and recognizing a slight reduction in the [REDACTED] funds as well as an increase in both [REDACTED] accounts as shown in Appellant's post-hearing submission (Exhibit B) for total countable excess assets of \$34,896.02 (Exhibit C).

## Findings of Fact

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

1. Counsel for Appellant was appointed POA in April 2024.
2. Appellant filed a MassHealth LTC application on July 24, 2024.
3. Appellant passed away in [REDACTED].
4. On July 11, 2025, MassHealth denied the application on the grounds that Appellant's countable assets were above the \$2,000.00 eligibility limit.
5. Countable assets were as follows:

[REDACTED]	\$1.00
[REDACTED]	\$404.00 as of April 1, 2024
[REDACTED]	\$1,596.34 as of April 1, 2024
[REDACTED]	\$16,818.11 as of September 30, 2024
[REDACTED]	<u>\$16,722.17 as of September 30, 2024</u>
Total Countable Assets	\$35,541.62
Excess Assets	\$33,541.62

6. Appellant's representative had thirty days from the date of the denial notice to evidence to MassHealth that the excess assets have been properly spent down (Exhibit A).
7. As of the date of the hearing, Appellant's representative had not verified any spend down of countable assets.
8. Updated [REDACTED] statements show that one the two [REDACTED] accounts was closed on August 12, 2025 and the funds deposited into the other account which totaled \$1,899.96 as of August 25, 2025 (See, documents attached to Exhibit A).
9. The [REDACTED] accounts are not part of the estate as the funds are designated to two account beneficiaries (the applicant's sister and [REDACTED]).
10. The estate has no ability to access the funds held in the TIAFF accounts.
11. After the hearing, MassHealth used the verifications provided in Appellant's post-hearing submission to increase the total countable excess assets to \$34,896.02 (Exhibit C).

## 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 its burden.

Appellant applied for MassHealth LTC benefits in April 2024. She died in [REDACTED]. She is seeking MassHealth coverage of her LTC expenses from sometime in 2024 through the time of her death. During the time she for which she is seeking MassHealth coverage, she held funds in two [REDACTED] accounts. There is nothing in the record to show that these funds were not countable at that time. The [REDACTED] documents submitted by Appellant's representative post-hearing identify the subject accounts as Group Retirement Annuities (GRA) (Exhibit B). Pursuant to MassHealth regulations, the [REDACTED] funds are countable and exceed the LTC eligibility limit of \$2,000.00 (130 CMR 520.007 and 520.003(A)). At hearing, Appellant's representative never asserted that the funds were not countable; Appellant's representative only asserted that the estate had no access to the funds once Appellant had died.

The fact the [REDACTED] accounts are not accessible to Appellant's estate does not change the fact that during her lifetime, when MassHealth eligibility is being sought, these funds belonged to Appellant and were countable at that time. Almost 6 months passed between when Appellant filed her LTC application and when she passed. There is nothing in the record to indicate that this prolonged delay was caused by MassHealth. There is nothing in MassHealth regulations that allows an applicant to gain financial eligibility because funds that were available to her during her

lifetime and during the time for which benefits are being sought, became unavailable to her estate once the applicant died.

MassHealth's action is based on a proper application of the controlling regulations to accurate facts. 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.

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Kenneth Brodzinski  
Hearing Officer  
Board of Hearings

cc:

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