

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied; Dismissed	Appeal Number:	2515670
Decision Date:	11/24/2025	Hearing Date:	11/20/2025
Hearing Officer:	Alexandra Shube	Record Open to:	11/21/2025

Appearances for Appellant:

Via telephone



Appearances for MassHealth:


Via telephone:

Krystina Trout, Springfield MEC (at hearing)
Kathleen Towle, Springfield MEC (pre- and post-hearing)



*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; Dismissed	Issue:	LTC – Start Date
Decision Date:	11/24/2025	Hearing Date:	11/20/2025
MassHealth’s Reps.:	Krystina Trout; Kathleen Towle	Appellant’s Reps.:	
Hearing Location:	Springfield MassHealth Enrollment Center, Remote	Aid Pending:	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 September 16, 2025, MassHealth denied the appellant's application for MassHealth benefits because he was over the allowable asset limit. Through a notice dated October 27, 2025, MassHealth approved the appellant for long-term care benefits with a start date of June 1, 2025 (Exhibit 1). The appellant filed these appeals in a timely manner on October 21, 2025 and November 5, 2025, respectively (see 130 CMR 610.015(B) and Exhibit 2).¹ Denial and/or scope of assistance is valid grounds for appeal (see 130 CMR 610.032).

The record was briefly held open until November 21, 2025 to allow the appellant time to submit additional information.

¹ By the time of hearing, the issue of over assets had been resolved, and the only issue remaining was that of the start date. As such, the appeal for the September 16, 2025 over assets notice is dismissed.

Action Taken by MassHealth

MassHealth approved the appellant's long-term care benefits with a start date of June 1, 2025.

Issue

The appeal issue is whether MassHealth was correct in determining the start date of the appellant's MassHealth benefits.

Summary of Evidence

All parties appeared at hearing via telephone. MassHealth was represented by a worker from its Springfield MassHealth Enrollment Center (hereinafter, the MassHealth representative or MassHealth), on behalf of a colleague who owns the case. The appellant was represented by the business officer manager and administrator from the nursing facility (hereinafter, the appellant or appellant's representatives).

The MassHealth representative testified as follows: the appellant is over the age of [REDACTED] and a resident in a nursing facility. On May 21, 2025, MassHealth received a long-term care application on behalf of the appellant requesting a start date of November 1, 2024. On June 3, 2025, MassHealth issued a verification request with a due date of July 3, 2025. MassHealth did not receive the requested verifications and on July 8, 2025, it issued the first denial for failure to provide the information it needed within the required timeframe. This notice was not appealed. On September 16, 2025, MassHealth received some documentation from the appellant and September 16, 2025 became the date of re-application. On September 16, 2025, MassHealth issued the over assets notice that is under appeal. The notice gave the appellant 30 days to reduce his assets. On October 27, 2025, after receiving sufficient proof of spend down, MassHealth notified the appellant that he was approved for MassHealth long-term care benefits with a start date of June 1, 2025. MassHealth testified that because the appellant did not appeal the July 8, 2025 denial notice, there was no way for MassHealth to preserve the May 21, 2025 application date. September 16, 2025 is the controlling application date and the earliest start date MassHealth can reach is June 1, 2025. She noted that even if the original application date was preserved, she would not have been able to reach back to the requested start date of November 1, 2024.

The appellant's representatives provided the following through testimony and documentary evidence: they understood they lost an earlier application date that would have reached back to the requested start date due to some issues with various properties the appellant owned. They were looking for a January 1, 2025 start date based on the May 21, 2025 application. They argued that they did not receive the June 3 or July 8, 2025 notices and their appeal filed on October 21, 2025 was filed within 120-days of the MassHealth action. The appellant's representatives

referenced emails between the previous business office manager and the MassHealth representative which were provided by the appellant after hearing in brief record open period. There is a July 21, 2025 notice in which MassHealth emails the former business officer manager requesting additional documentation and asking that the medical director sign certain forms. Then there was a similar email from MassHealth on August 21, 2025 asking for the doctor's signature. On September 5, 2025, the former business officer emailed back asking where the doctor should sign. The MassHealth representative responded on the same day with the corrected form.² On September 4, 2025, the business office manager emailed the MassHealth representative to ask if there were any updates on the appellant's case. MassHealth responded less than twenty minutes later by attaching the notices and suggesting that the appellant appeal the denial. The appellant's representatives argued that the July and August emails demonstrate that the MassHealth representative was still processing the appellant's case, not that there had been any determination. The business office manager's September 4 email requesting an update on the case is also proof that she did not receive the June 3 or July 8 notices. They have searched the facility and the appellant's room for the June 3 and July 8 notices but have not found any copies. The appellant diligently keeps track of all his documents in his room and did not have a copy of either notice. They found everything but the June 3 and July 8 notices.

Findings of Fact

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

1. The appellant is over the age of [REDACTED] and a resident in a nursing facility (Testimony and Exhibit 4).
2. On May 21, 2025, MassHealth received a long-term care application on behalf of the appellant requesting a start date of November 1, 2024 (Testimony and Exhibit 5).
3. On June 3, 2025, MassHealth issued a verification request with a due date of July 3, 2025 (Testimony and Exhibit 5).
4. MassHealth did not receive the requested verifications and on July 8, 2025, it issued the first denial for failure to provide the information it needed within the required timeframe (Testimony and Exhibit 5).
5. The appellant did not file any appeals related to the June 3 or July 8, 2025 notices.
6. On September 16, 2025, MassHealth received some documentation from the appellant and

² It should be noted that, based on the emails provided by the appellant, the business office manager did not respond to MassHealth's email on July 21, 2025, which prompted MassHealth to send the follow-up email on August 21, 2025. The business office manager did not respond to that email until September 5, 2025. See Exhibit 7.

September 16, 2025 became the date of re-application (Testimony and Exhibit 5).

7. On September 16, 2025, MassHealth issued a notice informing the appellant that he was over the allowable asset limit (Testimony and Exhibit 1).
8. The appellant timely appealed that notice on October 21, 2025 (Exhibit 2).
9. On October 27, 2025, MassHealth approved the appellant for long-term care benefits with a start date of June 1, 2025 (Testimony and Exhibit 1).
10. The appellant timely appealed that notice on November 5, 2025 (Exhibit 2).
11. On July 21, 2025, MassHealth reached out to the former business office manager via email 2025 requesting additional information (Testimony and Exhibit 7).
12. The former business office manager did not respond to that email and MassHealth reached out via email again for the same information on August 21, 2025 (Testimony and Exhibit 7).
13. The former business officer manager did not respond to that email until September 5, 2025 (Exhibit 7).
14. In a different email chain, on September 4, 2025, the former business officer manager emailed the MassHealth representative requesting an update on the appellant's case (Exhibit 7).
15. MassHealth responded on September 4, 2025, within twenty minutes, with copies of the notices and suggested that the appellant appeal the denial (Exhibit 7).
16. The appellant did not submit an appeal until October 21, 2025 (Exhibit 2).

Analysis and Conclusions of Law

At issue are the September 16, 2025 notice for being over assets and the October 27, 2025 notice approving the appellant for long-term care with a start date of June 1, 2025. As to the September 16, 2025 notice, the appeal is dismissed pursuant to 130 CMR 610.035((A)(8) and 610.051(B) because the issue of being over assets has been resolved.

Pursuant to 130 CMR 515.008(A), an "applicant or member must cooperate with the MassHealth agency in providing information necessary to establish and maintain eligibility..." After receiving an application for MassHealth benefits, MassHealth proceeds as follows:

The MassHealth agency requests all corroborative information necessary to determine eligibility.

(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(B)). "If the requested information...is received [by MassHealth] within 30 days of the date of the request, the application is considered complete....If such information is not received within 30 days of the date of the request, MassHealth benefits may be denied." (130 CMR 516.001(C)).

130 CMR 516.002 states the following regarding reactivating the application:

The MassHealth agency will reactivate the application after a denial of eligibility for failure to provide requested verifications.

(A) 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.

(B) The date of reapplication replaces the date of the denied application. The applicant's earliest date of eligibility for MassHealth is based on the date of reapplication.

(C) If the reapplication is subsequently denied and not appealed, the applicant must submit a new application to pursue eligibility for MassHealth. The earliest date of eligibility for MassHealth is based on the date of the new application.

(D) If the denial is due to excess assets, the date of reapplication is described at 130 CMR 520.004: Asset Reduction.

(E) A new application is required if a reapplication is not received within 30 days from the date of denial.

Pursuant to 130 CMR 516.006(A), the start date of coverage "may be retroactive to the first day of the third calendar month before the month of application..."

Under 130 CMR 610.015(B)(1), the Board of Hearings must receive a request for a fair hearing within 60 days after an applicant or member receives written notice from MassHealth of the intended action. It is presumed that the notice was received on the fifth day after mailing. See 130 CMR 610.015(B)(1). Additionally, under 130 CMR 610.015(B)(2)(c), unless waived by the Director or his or her designee, the Board of Hearings must receive a request for a fair hearing within 120 days from the date of MassHealth agency action when the MassHealth agency fails to send

written notice of the action.

Here, the appellant's representatives allege that it did not receive the June 3 or July 8, 2025 notices (request for information and first denial, respectively). While the appellant's testimony is credible, the burden is on the appellant to show that MassHealth erred in its action and the appellant has not done so here. MassHealth provided copies of the June 3 and July 8 notices which were addressed to the facility. The appellant received the September 16 and October 27, 2025 notices sent to the same address without any issue. Based on emails provided by the appellant, MassHealth reached out to the former business office manager via email on July 21, 2025 requesting additional information. It appears from those emails that the business office manager did not respond and MassHealth reached out via email again for the same information on August 21, 2025. The appellant did not respond to that email until September 5, 2025, over two weeks later. Had the appellant's representative responded timely to MassHealth's July or August email, there would have been ample time to appeal within 60 days (plus five for mailing) of the June 3 or July 8, 2025 notice. Additionally, in an email dated September 4, 2025, MassHealth attached copies of the notices and suggested the appellant appeal. If the appellant had submitted an appeal at that time (or by September 11, 2025), it would have been timely as to the July 8, 2025 notice; however, the appellant did not submit a request for fair hearing until October 21, 2025. Unfortunately, the appellant's October 21, 2025 request for fair hearing was not received within 60 days (plus five for mailing) of the June 3 or July 8 notice. As written notice was sent, 130 CMR 610.015(B)(2)(c) is not applicable here. As such, the request for hearing is not timely as to the June 3 or July 8, 2025 notice.

Pursuant to 130 CMR 516.002, MassHealth correctly determined the reapplication date (September 16, 2025) based on receipt of verifications. Accordingly, the reapplication date replaces the date of the denied application as the controlling application date and MassHealth correctly determined the earliest date of eligibility (June 1, 2025) by going back retroactively to the first day of the third calendar month before the month of the September application.

For these reasons, the MassHealth determination was correct and 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.

Alexandra Shube
Hearing Officer
Board of Hearings

[REDACTED]

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 243 Cottage Street, Springfield, MA 01104