

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2518113
<b>Decision Date:</b>	1/20/2026	<b>Hearing Date:</b>	01/07/2026
<b>Hearing Officer:</b>	Thomas Doyle	<b>Record Open to:</b>	N/A

**Appearance for Appellant:**  
Pro se

**Appearance for MassHealth:**  
Carmen Sola, Taunton 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>	Excess Assets
<b>Decision Date:</b>	1/20/2026	<b>Hearing Date:</b>	01/07/2026
<b>MassHealth's Rep.:</b>		<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Remote (phone)	<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 October 27, 2025, MassHealth found appellant not eligible for long term care services because she had more countable assets than MassHealth allows. (Ex. 1). Appellant filed this appeal in a timely manner on December 9, 2025. (Ex. 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

## Action Taken by MassHealth

MassHealth found appellant not eligible for long term care services because she had more countable assets than MassHealth allows.

## Issue

The appeal issue is whether MassHealth was correct finding appellant not eligible for long term care services because she had more countable assets than MassHealth allows.

## Summary of Evidence

Appellant, who is under the age of 65, (Ex. 5), and the MassHealth worker (worker) both appeared by phone. The hearing commenced, both parties were sworn and documents were marked as evidence. The evidence shows the following: The worker stated appellant's admission date to the facility was [REDACTED] 2025, and the facility was seeking payment from the same date. (Testimony; Ex. 4. P. 6). The worker stated the MassHealth application date is October 14, 2025 (Testimony). Appellant was denied on October 27, 2025, for being over assets. (Testimony; Ex. 1). The worker stated appellant was over assets by \$9,464.18 in bank accounts. (Testimony; Ex. 1, p. 6; Ex. 4, p. 5). The worker stated MassHealth needed bank statements from two accounts, ending in [REDACTED] and [REDACTED] from October 1, 2025, to present, showing spend down of the excess assets. The worker stated appellant needed to show receipts of any withdrawal of \$1500 or more. The MassHealth worker explained that once a person is in a facility over 6 months, one of the requirements for MassHealth payment is the person needs to be at or under \$2,000 in assets, and it does not matter if the person is over or under 65 years of age. (Testimony). The worker stated she did not know the date when appellant left the facility.

Appellant did not dispute that she was over assets, going so far as to write on her Fair Hearing Request "Assets are over by \$8,500.00." (Ex. 2). She was very upset during her testimony. She stated she had no questions for the worker and when asked by me when she left the facility she said, "don't know date, they sectioned 12 me." (Testimony). I asked appellant again when she left the facility and she said "I don't know date." I asked her if she knew the month she left the facility and she said, "I do not know month left facility." (Testimony). Appellant stated that Tufts paid for the facility. During the hearing, appellant stated in frustration, "have a good day" and the connection was lost. I was about to call her back and she called me. She stated she dropped her phone. While discussions continued between appellant and MassHealth, a little over 19 minutes into the hearing, appellant's phone disconnected.

## Findings of Fact

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

1. Appellant is under the age of 65, (Ex. 5), and her admission date to the facility was [REDACTED] [REDACTED] 2025. The facility was seeking payment from the same date. (Testimony; Ex. 4, p. 6).
2. The MassHealth application date is October 14, 2025 (Testimony). Appellant was denied on October 27, 2025 for being over assets. (Testimony; Ex. 1). Appellant is over assets by \$9,464.18 located in bank accounts. (Testimony; Ex. 1, p. 6; Ex. 4, p. 5).
3. Appellant did not dispute she was over assets, writing on her Fair Hearing Request From "Assets are over by \$8,500.00." (Ex. 2).

## **Analysis and Conclusions of Law**

The purpose of Medicaid is to provide medical assistance to those “whose income and resources are insufficient to meet the costs of necessary medical services.” (42 USC § 1396-1.) An individual applying for MassHealth long-term care benefits must have countable assets below \$2,000. (130 CMR 520.003(A)). Countable assets includes “assets to which the applicant or member ... would be entitled whether or not these assets are actually received when failure to receive such assets results from the action or inaction of the applicant, member, spouse, or person acting on his or her behalf.” (130 CMR 520.007.) This specifically includes assets held in a bank account. (130 CMR 520.007(B)).

Appellant continues to have assets in excess of \$2,000. Therefore, 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.

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Thomas Doyle  
Hearing Officer  
Board of Hearings

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780, 508-828-4616