



STATE OF NEW YORK  
DEPARTMENT OF HEALTH  
P.O. Box 11729  
Albany, NY 12211

## Notice of Decision

Decision Date: August 21, 2015

NY State of Health Number: [REDACTED]  
Appeal Identification Number: AP000000002250

[REDACTED]

Dear [REDACTED],

On April 30, 2015, you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's January 30, 2015 eligibility determination.

The enclosed Decision, rendered after that hearing, is issued by the Appeals Unit of NY State of Health.

If you have questions about your Decision, you can contact us by:

- Calling the Customer Service Center at 1-855-355-5777
- Sending Mail to:  
NY State of Health Appeals  
P.O. Box 11729  
Albany, NY 12211
- Sending a Fax to 1-855-900-5557

When contacting NY State of Health about your appeal and/or the Decision, please refer to the Appeal Identification Number at the top of this notice.

### Legal Authority

We are sending you this notice in accordance with Code of Federal Regulation 45 CFR § 155.545(b).

If you need this information in a language other than English or you need assistance reading this notice, we can help you. Call 1-855-355-5777 (TTY - English: 1-800-662-1220) (TTY - Spanish: 1-877-662-4886).

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## Decision

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NY State of Health Number: [REDACTED]  
Appeal Identification Number: AP000000002250

[REDACTED]

## Issues

The issues presented for review by the Appeals Unit of NY State of Health are:

Did the Marketplace properly determine that you were eligible to receive up to \$88.00 per month in advance premium tax credits, effective March 1, 2015?

Did the Marketplace properly determine that you were ineligible to receive cost-sharing reductions, effective March 1, 2015?

## Procedural History

On January 30, 2015, the Marketplace issued an eligibility determination notice based on the information contained in the January 29, 2015 application, stating that you were eligible to enroll in a qualified health plan (QHP) and eligible to receive an advance premium tax credit (APTC) of up to \$88.00 per month, effective March 1, 2015. It also stated that you were not eligible for cost-sharing reductions (CSR) or Medicaid. This determination was based, in part, on an annual household income of \$35,606.04.

On March 31, 2015, you spoke with the Marketplace's Account Review Unit and appealed this determination insofar as you were found eligible for an APTC no greater than \$88.00 per month.

On April 30, 2015, you had a telephone hearing with a Hearing Officer from the Marketplace's Appeals Unit. The record was developed during the hearing and closed at the end of the hearing.

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## Findings of Fact

A review of the record supports the following findings of fact:

- 1) You testified that you expected to file your 2015 taxes with a tax filing status of single. You will claim no dependents on that tax return.
- 2) In the application that was submitted on January 29, 2015, you listed an expected yearly income of \$35,606.04, consisting of \$1,200.00 you receive from [REDACTED] once every two weeks, \$5,000.00 in annual income you anticipate receiving from your self-employment, and anticipated \$593.96 in annual deductions relating to interest payments on your student loans. You testified that this amount was correct when entered by you on the application date and remained an accurate estimate going forward.
- 3) You testified that you lost out on approximately \$1,800.00 in income when [REDACTED] was closed for renovations over a 3 week period due to physical damages the business sustained. You further testified, however, that a claim was filed by the company and that you expect to be reimbursed for the amounts lost in connection with this closure during 2015.
- 4) Your application states that you live in Queens County.
- 5) You testified that the insurance plans available through the Marketplace are not affordable to you based on your existing expenses and high cost of living in New York City. You further testified that the plans that are available to you are too expensive for the deductibles that are offered.

Conflicting evidence, if any, was considered and found to be less credible than the evidence noted above.

## Applicable Law and Regulations

### Advance Premium Tax Credit

The advance premium tax credit (APTC) is available to a person who is eligible to enroll in a qualified health plan (QHP) and (1) expects to have a household income between 138% and 400% of the applicable poverty level (FPL) (2) expects to file a tax return and claim a personal exemption deduction for a person who meets the eligibility requirements to enroll in a QHP, and (3) is not otherwise eligible for minimum essential coverage except through the individual

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market (see 45 CFR § 155.305(f), 42 CFR § 435.119(b), 42 CFR § 435.911(b)(1), 42 CFR § 435.603(d)(4)).

The maximum amount of APTC that can be authorized equals:

- 1) the cost of the health insurance premium for the taxpayer's coverage family in the second lowest cost silver plan offered through NY State of Health in the county where the taxpayer resides

*minus*

- 2) the taxpayer's expected contribution amount

(see 26 USC § 36B, 26 CFR § 1.36B-3).

The taxpayer's expected contribution amount is the amount that the taxpayer is expected to spend on health insurance premiums. The expected contribution for 2015 is set by federal law at 2.01% to 9.56% of household income (26 USC § 36B(b)(3)(A), 26 CFR § 1.36B-3T(g)(1), IRS Rev. Proc. 2014-37).

In an analysis of APTC eligibility, the determination is based on the FPL for the first day of the open enrollment period of the benefit year for which coverage is requested (45 CFR §§ 155.300(a), 155.305(f)(1)(i)). On the date of your application, that was the 2014 FPL, which is \$35,606.04 for a one-person household (79 Fed. Reg. 3593, 3593).

For annual household income in the range of at least 300% but less than 400% of the 2014 FPL, the expected contribution is 9.56% of the household income (26 CFR § 1.36B-3T(g)(1), 45 CFR § 155.300(a), IRS Rev. Proc. 2014-37).

### Cost-Sharing Reductions

Cost-sharing reductions (CSR) are available to a person who (1) is eligible to enroll in a QHP through the Marketplace, (2) meets the requirements to receive APTC, (3) is expected to have an annual household income that does not exceed 250% of the FPL for the first day of the open enrollment period of the benefit year for which coverage is requested, and (4) is enrolled in a silver-level QHP (45 CFR § 155.300(a), 45 CFR § 155.305(g)(1)).

## **Legal Analysis**

The first issue is whether the Marketplace properly determined that you were eligible for an advance premium tax credit (APTC) of up to \$88.00 per month.

The application that was submitted on January 29, 2015 listed an expected yearly income of \$35,606.04, which consisted of (1) \$31,200.00 (\$1,200 x 26 weeks) in earned income from [REDACTED] (2) \$5,000.00 in self-employment income, and (3) \$593.96 in student loan interest deductions. The eligibility determination relied upon that information.

You are in a one-person household. You expect to file your 2015 income taxes as single and will claim no dependents on that tax return.

You reside in Queens County, where the second lowest cost silver plan available for an individual through the Marketplace costs \$371.75 per month.

An annual income of \$35,606.04 is 305.11% of the 2014 FPL for a one-person household. At 305.11% of the FPL, the expected contribution to the cost of the health insurance premium is 9.56% of income, or \$88.00 per month.

The maximum amount of APTC that can be approved equals the cost of the second lowest cost silver plan available through the Marketplace for an individual in your county (\$371.75 per month) minus your expected contribution (\$283.66 per month), which equals \$88.09 per month. Therefore, rounding to the nearest dollar, the Marketplace correctly determined you to be eligible for up to \$88.00 per month in APTC.

The final issue is whether you were properly found ineligible for cost-sharing reductions (CSR). CSR is available to a person who has a household income no greater than 250% of the FPL. Since a household income of \$35,606.04 is 305.11% of the applicable FPL, the Marketplace correctly found you to be ineligible for CSR.

Since the January 30, 2015 eligibility determination properly stated that, based on the information you provided, you were eligible for up to \$88.00 per month in APTC and ineligible for CSR, it is correct and is AFFIRMED.

## **Decision**

The January 30, 2015 eligibility determination notice is AFFIRMED.

**Effective Date of this Decision:** August 21, 2015

## **How this Decision Affects Your Eligibility**

You remain eligible for an APTC of up to \$88.00 per month.

You are ineligible for CSR.

You are ineligible for Medicaid.

## **If You Disagree with this Decision (Appeal Rights)**

This Decision is final unless you submit an appeal request to U.S. Department of Health and Human Services or bring a lawsuit under New York Civil Practice Law and Rules, Article 78.

You may bring a lawsuit on any Appeals Unit decision in New York State court in accordance with Article 78 of the New York Civil Practice Law and Rules. This must be done within four months after the date of the Decision Date, which appears on the first page of this Decision.

Additionally, Appeals Unit decisions on issues involving eligibility for qualified health plans, advance premium tax credits, and cost-sharing reductions may be appealed to the U.S. Department of Health and Human Services. This must be done within 30 days of the date of the Decision Date, which appears on the first page of this Decision (45 CFR § 155.520(c)).

If you wish to be represented by an attorney in bringing an outside appeal and do not know how to go about getting one, you may contact legal resources available to you. You may, for example, contact the local County Bar Association, Legal Aid, or Legal Services.

## **If You Have Questions about this Decision (Customer Service Resources):**

You can contact us in any of the following ways:

- By calling the Customer Service Center at 1-855-355-5777
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## **Summary**

The January 30, 2015 eligibility determination notice is AFFIRMED.

You remain eligible for an APTC of up to \$88.00 per month.

You are ineligible for CSR.

You are ineligible for Medicaid.

## **Legal Authority**

We are sending you this notice in accordance with Code of Federal Regulation 45 CFR § 155.545(a).



**A Copy of this Decision Has Been Provided To:**

