



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

## Notice of Decision

Decision Date: November 24, 2015

NY State of Health Number: [REDACTED]  
Appeal Identification Number: AP000000003279

[REDACTED]

Dear [REDACTED]

On August 24, 2015, you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's April 23, 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 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: AP000000003279

[REDACTED]

## Issue

The issue presented for review by the Appeals Unit of NY State of Health is:

Did the Marketplace properly determine that eligibility for advance premium tax credits and cost-sharing reductions for you and your spouse was effective June 1, 2015?

## Procedural History

On February 16, 2015, the Marketplace issued an eligibility determination notice stating that you and your spouse were eligible to enroll in a qualified health plan (QHP) and receive an advance premium tax credit (APTC) of up to \$161.00 per month, effective March 1, 2015.

Also on February 16, 2015, the Marketplace issued a notice confirming the selection of and enrollment in a bronze-level QHP for you and your spouse as of February 15, 2015. The notice further stated that you premium responsibility was \$455.29, after applying the maximum APTC of \$161.00.

You revised your application on March 12, 2015 and March 30, 2015. In each case, you attested to a tax filing status of "Married filing single."

On March 13, 2015 and March 31, 2015, the Marketplace issued eligibility redetermination notices stating, in relevant part, that you and your spouse were eligible to enroll in a QHP at full cost, effective April 1, 2015 and May 1, 2015, respectively. Each notice stated that you and your spouse were not eligible for APTC because your application indicated that you were married and not joint tax

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filers. Each notice also stated that you and your spouse were not eligible for cost-sharing reductions (CSR) because you were not eligible for APTC.

Also on March 13, 2015, the Marketplace issued a notice confirming your selection of and enrollment in a bronze-level QHP as of March 12, 2015. The notice further stated that your premium responsibility was \$616.29, since you were not eligible for APTC.

On April 22, 2015, the Marketplace received a revised application in which you attested to a tax filing status of "Married filing jointly."

On April 23, 2015, the Marketplace issued an eligibility redetermination notice stating that you were eligible to enroll in a QHP and receive an APTC of up to \$276.00 per month, effective June 1, 2015.

Also, on April 23, 2015, the Marketplace issued a notice confirming your selection of and enrollment in a bronze-level QHP as of February 15, 2015. The notice further stated that your premium responsibility was \$616.29, after applying none of the APTC available to you.

On June 3, 2015, you spoke to the Marketplace's Account Review Unit and appealed the April 23, 2015 eligibility determination insofar as it began your financial assistance eligibility on June 1, 2015, and not April 1, 2015.

On July 9, 2015, the Marketplace issued a disenrollment notice confirming that you and your spouse's coverage under the bronze-level QHP was terminated, effective May 31, 2015, for non-payment of premiums.

On August 24, 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.

## **Findings of Fact**

- 1) You and your spouse initially enrolled in a bronze-level qualified health plan (QHP) with coverage beginning March 1, 2015.
- 2) You testified, and the February 16, 2015 notice of enrollment reflects, that you were paying \$455.29 per month, after applying the maximum advance premium tax credit (APTC) of \$161.00 you were eligible for at that time.
- 3) You revised your application on March 13, 2015 and March 30, 2015 to indicate that you anticipated filing your 2015 tax return with a filing status of "Married filing single."

- 4) You testified during the hearing that this filing status was entered in error by a Marketplace representative since this represented your filing status during 2014, not 2015. You further testified that you anticipated filing your 2015 tax return jointly with your spouse and claiming your son, [REDACTED], as your sole dependent.
- 5) On April 22, 2015, you revised your application to reflect your corrected filing status of “Married filing jointly” and claiming your son as your sole dependent.
- 6) On April 23, 2015, you and your spouse were found eligible to enroll in a QHP and eligible to receive an APTC of up to \$276.00 per month, beginning June 1, 2015.
- 7) You testified that you paid your initial premium amount of \$455.29 on March 1, 2015 for coverage during March 2015. You further testified that you paid \$455.29 for coverage during April 2015.
- 8) You testified that you received a bill for \$777.29 for coverage during May 2015, but paid only \$455.29.
- 9) You testified that you received a bill for \$616.29 for coverage during June 2015, but paid only \$455.29.
- 10) You and your spouse’s coverage under the bronze-level QHP was terminated, effective May 31, 2015, for non-payment of premiums.
- 11) You testified that you were refunded your June 2015 premium payment of \$616.29 since your coverage had been terminated as of May 31, 2015.
- 12) You testified that you were not seeking to reenroll in your QHP after having been terminated, since you were opting to wait for the next open enrollment period for the 2016 plan year.

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

## **Applicable Law and Regulations**

### Redetermination During a Benefit Year

When an eligibility redetermination results in a change in the amount of advance premium tax credit (APTC) for the benefit year, the Marketplace must recalculate the amount of APTC in such a manner as to account for any advance payments already made (or not made) on behalf of the tax filer, such that the recalculated advance payment amount is projected to result in total advance payments for the

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benefit year that correspond to the tax filer's total projected premium tax credit for the benefit year (45 CFR § 155.330(g)).

### End of Tax Year Reconciliation

At the end of a tax year, a person who elects to take the advance premium tax credit to help pay for the cost of an insurance premium must file a tax return to reconcile any differences between the amount of income the person reported to the Marketplace and their actual gross income for that year. A person who received less tax credit than her maximum entitlement, based on gross income, may receive an income tax refund, or owe less in taxes. A person who received more tax credit than his maximum entitlement, based on gross income, will owe the excess as an additional income tax liability (26 CFR § 1.36B-4).

## **Legal Analysis**

The issue under review is whether the Marketplace properly determined that your eligibility for an advance premium tax credit (APTC) became effective on June 1, 2015.

In the eligibility determination notices issued on March 13, 2015 and March 31, 2015, the Marketplace denied an APTC to you and your spouse because you indicated that you were married but did not plan on filing a joint federal income tax return with your spouse.

The record also shows that your application was updated on April 22, 2015. This resulted in the April 23, 2015 eligibility determination notice that stated you and your spouse were eligible to receive up to \$276.00 in APTC. This eligibility was effective June 1, 2015.

When an individual changes information in their application after the 15th of any month, the Marketplace must make the redetermination that results from the change effective the first day of the second following month.

Therefore, the Marketplace's April 23, 2015 eligibility determination is **AFFIRMED** because it properly began your eligibility for APTC on June 1, 2015.

However, if you would have been entitled to additional tax credits had you completed your application earlier as joint tax filers, you will be able to reconcile this when you file your tax return for the 2015 tax year.

## **Decision**

The April 23, 2015 eligibility determination is AFFIRMED because it properly began you and your spouse's eligibility for APTC on June 1, 2015.

**Effective Date of this Decision:** November 24, 2015

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

You and your spouse remain eligible to receive to \$276.00 per month of APTC effective June 1, 2015; however, since you have been disenrolled from your bronze-level QHP for non-payment of premiums as of May 31, 2015, you will have to qualify to enroll in a QHP outside of the open enrollment period before being able to utilize your eligibility for APTC during the 2015 plan year.

Any APTC amounts you and your spouse may have been due to receive during the months of April and May 2015, but did not receive as a result of your March 13, 2015 and March 31, 2015 eligibility determinations, are properly reconciled on your 2015 tax return.

## **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.

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

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- By fax: 1-855-900-5557

## **Summary**

The April 23, 2015 eligibility determination is **AFFIRMED** because it properly began you and your spouse's eligibility for APTC on June 1, 2015.

You and your spouse remain eligible to receive to \$276.00 per month of APTC effective June 1, 2015; however, since you have been disenrolled from your bronze-level QHP for non-payment of premiums as of May 31, 2015, you will have to qualify to enroll in a QHP outside of the open enrollment period before being able to utilize your eligibility for APTC during the 2015 plan year.

Any APTC amounts you and your spouse may have been due to receive during the months of April and May 2015, but did not receive as a result of your March 13, 2015 and March 31, 2015 eligibility determinations, are properly reconciled on your 2015 tax return.

## **Legal Authority**

We are sending you this notice in accordance with federal regulation 45 CFR § 155.545(a).



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

