



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

Notice of Decision

Decision Date: November 09, 2015

NY State of Health Number: [REDACTED]
Appeal Identification Number: AP000000003931

[REDACTED]

Dear [REDACTED],

On October 9, 2015, you appeared by telephone at a hearing on your appeal of NY State of Health Marketplace's July 19, 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 letter.

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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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 \$86.00 monthly of advance premium tax credit as of July 19, 2015?

Did the Marketplace properly determine that you were not eligible for cost-sharing reductions as of July 19, 2015?

Did the Marketplace properly determine that you were not eligible for Medicaid as of July 19, 2015?

Procedural History

The Marketplace received your application for health insurance on July 17, 2015. The Marketplace rendered a preliminary eligibility determination that you were eligible to receive up to \$86.00 of advance premium tax credits.

On the same day, you spoke to the Marketplace's Account Review Unit and requested an appeal relative to the amount of financial assistance you were determined eligible to receive.

On July 19, 2015, the Marketplace issued an eligibility determination notice stating that you are eligible to receive \$86.00 monthly of advance premium tax credits. The notice also stated that you are not eligible for cost-sharing reductions.

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and Medicaid because your household income is over the allowable limit for each program.

On September 25, 2015, you had a scheduled telephone hearing with a Hearing Officer from the Marketplace Appeals Unit. You requested that the hearing be rescheduled until October 9, 2015 and waived the formal notice of hearing requirements.

On October 9, 2015, you appeared for the scheduled telephone hearing. Testimony was taken at the hearing and the record was left open until October 23, 2015, because you were directed to submit additional documentation.

No documentation was received by the Marketplace Appeals Unit within the allotted time. Therefore, the record is now complete and closed.

Findings of Fact

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

1. You are applying for health insurance through the Marketplace for yourself.
2. You testified that you plan on filing a 2015 federal income tax return with the tax filing status of single and do not plan on claiming any dependents on that return.
3. According to your July 17, 2015 Marketplace application, you attested to an expected 2015 income of \$36,000.00.
4. You currently reside in Greene County, NY.
5. According to your July 17, 2015 Marketplace application, you are employed at [REDACTED] and have been since January 1, 2015.
6. You testified that your truck broke down in September 2015, so you earned less income that month.
7. You were directed to submit your [REDACTED] pay stubs received in September 2015.

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 and (1) expects to have a household income between 138% and 400% of the federal 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 qualified health plan; and (3) is not otherwise eligible for minimum essential coverage except through the individual market (see 45 CFR § 155.305(f), 42 CFR §§ 435.119(b), 435.911(b)(1), 435.603(d)(4)).

The maximum amount of APTC that can be approved equals:

1) the cost of the health insurance premium for the taxpayer's coverage family in the second lowest cost silver plan offered through the 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 2.1% to 9.56% of annual 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 benefit year for which coverage is requested (45 CFR § 155.305(f)(1)(i)). On the date of your application, that was the 2014 FPL, which is \$11,670.00 for a one-person household (79 Fed. Reg. 3593, 3593).

For annual household income in the range of at least 300% FPL but less than 400% FPL, the expected contribution is 9.56% of the household income (26 CFR § 1.36B-3(g)(2)).

Cost-Sharing Reductions:

Cost-sharing reductions are available to a person who (1) is eligible to enroll in a qualified health plan 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 plan year coverage is requested, and (4) is enrolled in a silver-level qualified health plan (45 CFR § 155.305(g)(1)).

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Medicaid:

Medicaid can be provided through the Marketplace to adults who: (1) are age 19 or older and under age 65, (2) are not pregnant, (3) are not entitled to or enrolled for Medicare benefits under part A or B of title XVIII of the Act, (4) are not otherwise eligible for and enrolled for mandatory coverage under a State's Medicaid State plan in accordance with subpart B of this part, and (5) have a household modified adjusted gross income that is at or below 138% of the FPL for the applicable family size (42 CFR § 435.119(b), 42 CFR § 435.911(b)(1), 42 CFR § 435.603(d)(4)), N.Y. Soc. Serv. Law § 366(1)(b)).

In an analysis of Medicaid eligibility, the determination is based on the FPL “for the applicable budget period used to determine an individual's eligibility” (42 CFR § 435.4). On the date of your application, that was the 2015 FPL, which is \$11,770.00 for a one-person household (80 Fed. Reg. 3236, 3237).

Financial eligibility for Medicaid for applicants who are not currently receiving Medicaid benefits is based on current monthly household income and family size (42 CFR § 435.603(h)(1); State Plan Amendment (SPA) 13-0055-MM3, as approved March 19, 2014).

Family size means the number of persons counted as a member of an individual's household. In the case of an individual who expects to file a tax return and does not expect to be claimed by another taxpayer, the household consists of the taxpayer and all persons whom such individual expects to claim as a tax dependent (42 CFR § 435.603(f)(1)).

Hardship Exemption

Under some circumstances, a person may receive an exemption from paying a penalty for not purchasing a qualified health plan QHP. Such an exemption may be granted if that person can show that she experienced a financial hardship or has domestic circumstances that (1) caused an unexpected increase in essential expenses that prevented that person from obtaining health coverage under a QHP; (2) would have caused the person to experience serious deprivation of food, shelter, clothing or other necessities, as a result of the expense of purchasing health coverage under a QHP; or (3) prevented that person from obtaining coverage under a qualified health plan (45 CFR § 155.605 (a), (g)).

NY State of Health has deferred to the U.S. Department of Health and Human Services (HHS) on the matter of hardship exemptions (see 45 CFR § 155.505(c)).

Legal Analysis

The first issue is whether the Marketplace properly determined that you were eligible for up to \$86.00 of advance premium tax credits.

In your July 17, 2015, Marketplace application and your hearing testimony, you attested to an expected 2015 yearly income of \$36,000.00, and the eligibility determination relied upon that information.

According to the record, you plan on filing a U.S. Income Tax Return with the tax status of single and will not claim any dependents on your 2015 federal income tax return. Therefore, you have a one-person household.

You reside in Greene County, where the second lowest cost silver plan that is available through the Marketplace for an individual costs \$372.38 per month. An annual household income of \$36,000.00 equals 308.48% of the 2014 federal poverty level (FPL) for a one-person household. At 308.48% of the 2014 FPL, the expected contribution to the cost of the health insurance premium is 9.56% of income, or \$286.80 per month.

The maximum amount of advance premium tax credit (APTC) that can be awarded equals the cost of the second lowest cost silver plan in your county (\$372.38 per month) minus your expected contribution (\$286.80 per month), which equals \$85.58 per month. Therefore, rounding to the nearest dollar, the Marketplace correctly determined your APTC to be \$86.00 per month.

The second issue is whether the Marketplace properly determined that you were not eligible for cost-sharing reductions.

Cost-sharing reductions are available to a person who has an annual expected household income no greater than 250% of the FPL. Since your annual household income is 308.48% of the 2014 FPL, the Marketplace correctly found you not eligible for cost-sharing reductions.

Medicaid can be provided through the Marketplace to adults between the ages of 19 and 65 who meet the non-financial requirements and have a household modified adjusted gross income that is at or below 138% of the FPL for the applicable family size.

On the date of your application, the FPL was \$11,770.00 for a one-person household. Since \$36,000.00 is 305.86% of the 2015 FPL, the Marketplace properly found you to be ineligible for Medicaid on an expected annual income basis, using the information provided in your application.

Financial eligibility for Medicaid for applicants who are not currently receiving Medicaid benefits may be based on current monthly household income and

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family size. To be eligible for Medicaid, you must meet the nonfinancial criteria and have an income no greater than 138% of the FPL. In order to be eligible for Medicaid a household of one must not exceed a monthly income limit of \$1,354.00.

During the hearing, you testified that your truck broke down in September 2015 and earned less income in that month. The Hearing Officer directed to submit your [REDACTED] pay stubs received in September 2015. The record was left open until October 23, 2015 to allow you to submit the documentation. No documentation was received by the Marketplace Appeals Unit within the allotted time. Therefore, there is no income information available to be considered at this time.

Since the July 17, 2015, eligibility determination properly states that you are eligible for an APTC of up to \$86.00 per month, not eligible for cost-sharing reductions and Medicaid, it is correct and is AFFIRMED.

Decision

The July 17, 2015 eligibility determination is AFFIRMED.

Effective Date of this Decision: November 09, 2015

How this Decision Affects Your Eligibility

This decision does not change your eligibility.

You remain eligible to receive up to \$86.00 monthly of advance premium tax credit.

You remain ineligible for cost-sharing reductions and Medicaid.

Please feel free to contact the Marketplace when you have sufficient documentation of your change in income.

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.

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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.

Summary

The July 17, 2015 eligibility determination is **AFFIRMED**.

You remain eligible to receive up to \$86.00 monthly of advance premium tax credit.

You remain not eligible for cost-sharing reductions and Medicaid.

Please feel free to contact the Marketplace when you have sufficient documentation of your change in income.

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:

