



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

Notice of Decision

Decision Date: May 17, 2017

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000013300

[REDACTED]

Dear [REDACTED],

On April 27, 2017, you appeared by telephone at a hearing on your appeal of NY State of Health's October 12, 2016 eligibility determination notice.

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 and the NY State of Health Account ID at the top of this notice.

Legal Authority

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

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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DEPARTMENT OF HEALTH
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Decision

Decision Date: May 17, 2017

NY State of Health Account ID [REDACTED]
Appeal Identification Number: AP000000013300

[REDACTED]

Issue

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

Did NY State of Health (NYSOH) properly determine that you and your spouse were not eligible for Medicaid for March 1, 2016 through May 31, 2016?

Procedural History

On June 22, 2016, you submitted an application for financial assistance with health insurance and indicated that you and your spouse were seeking help for paying for medical bills for March 2016, April 2016, and May 2016.

On June 24, 2016, NYSOH issued a notice of eligibility determination stating that you and your spouse were eligible for the Essential Plan. This eligibility was effective as of August 1, 2016. This notice further directed you to submit income documentation for your household by September 20, 2016.

On October 12, 2016, NYSOH issued an eligibility determination notice stating that you and your spouse were not eligible for Medicaid for March 1, 2016 through May 31, 2016.

On November 16, 2016, you spoke to NYSOH's Account Review Unit and appealed that eligibility determination notice insofar as it denied you and your spouse retroactive Medicaid for the months of March 2016, April 2016, and May 2016.

On April 27, 2016, you had a telephone hearing with a Hearing Officer from NYSOH's Appeals Unit. The record was developed during the hearing and left open for fourteen days to allow you time to submit supporting documentation. No documentation was received within the allotted time. The record is now closed.

Findings of Fact

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

- 1) You testified that you are seeking Medicaid for yourself and your spouse from March 1, 2016 to May 31, 2016.
- 2) You testified that you and your spouse filed your 2016 federal income tax return as married filing jointly and claimed one dependent on that return.
- 3) You submitted an application for financial assistance on June 22, 2016.
- 4) You testified that you are self-employed, and that your self-employment was your only source of income in March 2016, April 2016, and May 2016.
- 5) You submitted documentation that your self-employment income for March 2016 was \$747.00; for April 2016 was \$723.00; and for May 2016 was \$1374.00 less expenses of \$190.00.
- 6) You testified that your spouse was not working in March 2016 and April 2016 and that his only source of income during those months was his unemployment insurance benefits. You further testified that your spouse received \$170.00 per week in unemployment insurance benefits for March 2016 and April 2016.
- 7) You submitted an unemployment insurance monetary benefit determination from the [REDACTED] which indicates a weekly benefit rate of \$266.00.
- 8) You have not submitted any documentation showing when your spouse received unemployment benefit payments.
- 9) You testified that your spouse began working on May 2, 2016. You further testified that he is paid weekly and that his first paycheck was dated May 13, 2016.

- 10) You submitted a letter from your spouse's employer confirming that he began working on May 2, 2016.
- 11) You submitted your spouse's paystubs from May 2016. The first is dated May 13, 2016 for a gross pay amount of \$640.00; the second is dated May 20, 2017 for a gross pay amount of \$640.00; the third is dated May 27, 2016 for a gross pay amount of \$640.00.

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

Applicable Law and Regulations

Medicaid for Adults between the Ages of 19 and 65

Medicaid can be provided through NYSOH 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 (MAGI) 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)), NY Social Services 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 2016 FPL, which is \$20,160.00 for a three-person household (81 Fed. Reg. 4036).

Retroactive Medicaid

The Department of Health must make Medicaid coverage start retroactively for up to three months prior to the month of an initial application if the individual received medical services that would have been covered under Medicaid and the individual would have been eligible for Medicaid at the time he received the services if he had applied (42 USCA § 1396A(34); 42 CFR § 435.915(a)). The Department of Health may make eligibility effective for fee-for-service Medicaid on the first day of the month if an individual was eligible any time during that month (42 CFR § 435.915(b)).

Legal Analysis

The issue under review is whether NYSOH properly determined that you and your spouse were not eligible for Medicaid for March 1, 2016 through May 31, 2016.

You and your spouse are in a three-person household; you file your taxes with a tax filing status of married filing jointly and claim one dependent on your tax return.

You submitted an application for financial assistance on June 22, 2016 and requested help in paying for medical bills for yourself and your spouse for March 1, 2016 to May 31, 2016.

When an individual files an initial application for Medicaid, his or her eligibility for retroactive Medicaid depends on the date of application. To this end, it does not matter whether or not that initial application resulted in Medicaid going forward. Instead, an individual, who has filed an initial application for Medicaid through NYSOH, has the right to be evaluated for Medicaid for the three months before the month of his or her application.

Medicaid coverage can be made effective retroactively for up to three months prior to an individual's initial application if the individual received medical services that would have been covered under Medicaid and if they would have been eligible for Medicaid in those three months had they applied.

You testified that you are seeking Medicaid for yourself and your spouse from March 1, 2016 to May 31, 2016.

Financial eligibility for Medicaid for applicants who are not currently receiving Medicaid benefits is based on current monthly household income and family size. To be eligible for Medicaid in March 2016, April 2016, and May 2016, you and your spouse would have needed to meet the non-financial criteria and have an income no greater than 138% of the FPL, which is \$2,319.00 per month. There is no indication in the record that you and your spouse would have been ineligible for Medicaid based on non-financial criteria during March 2016, April 2016, or May 2016.

You testified that you are self-employed. You submitted documentation that your self-employment income for March 2016 was \$747.00; for April 2017 was \$723.00; and for May 2017 was \$1374.00 less expenses of \$190.00.

You testified that your spouse was unemployed in the months of March 2016 and April 2016. You have not submitted sufficient documentation to demonstrate your spouse's income for March 2016 and April 2016. Additionally, your testimony was not consistent with the documentation you submitted.

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Therefore, the record does not contain sufficient evidence what your household's income was for March 2016 and April 2016 in order to disturb the determination by NYSOH with regard to your and your spouse's eligibility for retroactive Medicaid for the months of March 2016 and April 2016.

You testified that your spouse began working on May 2, 2016. You submitted your spouse's paystubs for May 2016. The first is dated May 13, 2016 for a gross pay amount of \$640.00; the second is dated May 20, 2017 for a gross pay amount of \$640.00; the third is dated May 27, 2016 for a gross pay amount of \$640.00.

Therefore, the record indicates that in the month of May 2016, you had a monthly household income of \$3,104.00

Since your household income of \$3,104.00 was more than the \$2,319.00 monthly Medicaid limit for May 2016, NYSOH properly determined that you and your spouse were not eligible for Medicaid coverage during that month.

Therefore, the October 12, 2016 eligibility determination stating that you and your spouse were not eligible for Medicaid for March 1, 2016 through May 31, 2016, is AFFIRMED.

Decision

The October 12, 2016 eligibility determination is AFFIRMED.

Effective Date of this Decision: May 17, 2017

How this Decision Affects Your Eligibility

You and your spouse are not eligible for Medicaid for March 1, 2016 through May 31, 2016.

If You Disagree with this Decision (Appeal Rights)

This Decision is final unless you submit an appeal request to the Federal Marketplace 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

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must be done within four months 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 Federal Marketplace. This must be done within 30 days of the Decision Date, which appears on the first page of this Decision (45 CFR § 155.520(c)).

If you have questions about appealing to the Federal Marketplace, you can contact them in any of the following ways:

- By calling the Customer Service Center at 1-800-318-2596
- By mail at:
Health Insurance Marketplace
Attn: Appeals
465 Industrial Blvd.
London, KY 40750-0061
- By fax: 1-877-369-0129

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):

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- By calling the Customer Service Center at 1-855-355-5777
- By mail at:
NY State of Health Appeals
P.O. Box 11729
Albany, NY 12211
- By fax: 1-855-900-5557

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Summary

The October 12, 2016 eligibility determination is AFFIRMED.

You and your spouse are not eligible for Medicaid for March 1, 2016 through May 31, 2016.

Legal Authority

We are issuing this determination in accordance with 45 CFR § 155.545.

A Copy of this Decision Has Been Provided To:



Getting Help in a Language Other than English

This is an important document. If you need help to understand it, please call 1-855-355-5777. We can give you an interpreter for free in the language you speak.

Español (Spanish)

Este es un documento importante. Si necesita ayuda para entenderlo, llame al 1-855-355-5777. Le proporcionaremos un intérprete sin ningún costo.

中文 (Traditional Chinese)

這是重要的文件。如果您需要獲得關於瞭解文件內容方面的協助，請致電 1-855-355-5777。我們可以為您免費提供您所使用語言的翻譯人員。

Kreyòl Ayisyen (Haitian Creole)

Sa a se yon dokiman ki enpòtan. Si ou bezwen èd pou konprann li, tanpri rele nimewo 1-855-355-5777. Nou kapab ba ou yon entèprèt gratis nan lang ou pale a.

中文 (Simplified Chinese)

这是一份重要的文件。如果您需要帮助理解此文件，请打电话至 1-855-355-5777。我们可以为您提供相应语种的口译服务。

Italiano (Italian)

Questo è un documento importante. Per qualsiasi chiarimento può chiamare il numero 1-855-355-5777. Possiamo metterle a disposizione un interprete nella sua lingua.

한국어 (Korean)

중요한 서류입니다. 이해하는 데 도움이 필요하시면 1-855-355-5777 번으로 연락해 주십시오. 귀하의 언어에 대한 무료 통역 서비스가 제공됩니다.

Русский (Russian)

Это важный документ. Если Вам нужна помощь для понимания этого документа, позвоните по телефону 1-855-355-5777. Мы можем бесплатно предоставить Вам переводчика Вашего языка.

العربية (Arabic)

هذه وثيقة مهمة. إذا كنت بحاجة إلى مساعدة لفهم محتواها، يُرجى الاتصال بالرقم 1-855-355-5777. يُمكننا توفير مترجم فوري لك باللغة التي تتحدثها مجاناً.

বাংলা (Bengali)

এটি এক গুরুত্বপূর্ণ নথি। এটি বুঝতে আপনার যদি সাহায্যের প্রয়োজন হয় তাহলে, অনুগ্রহ করে 1-855-355-5777 নম্বরে কল করুন। আপনি যে ভাষায় কথা বলেন বিনামূল্যে আমরা আপনাকে একজন দোভাষী দিতে পারি।

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Français (French)

Ceci est un document important. Si vous avez besoin d'aide pour en comprendre le contenu, appelez le 1-855-355-5777. Nous pouvons mettre gratuitement à votre disposition un interprète dans votre langue.

हिंदी (Hindi)

यह एक महत्वपूर्ण दस्तावेज़ है। अगर आपको इसे समझने में सहायता चाहिए, तो कृपया 1-855-355-5777 पर कॉल करें। हम आपकी भाषा बोलने वाला एक दुभाषिया निःशुल्क उपलब्ध करवा सकते हैं।

日本語 (Japanese)

これは重要な書類です。理解するために支援が必要な場合は、1-855-355-5777 にお電話ください。通訳を無料で提供いたします。

नेपाली (Nepali)

यो एउटा महत्वपूर्ण कागजात हो। यसलाई बुझ्न तपाईंलाई मद्दत चाहिन्छ भने, कृपया 1-855-355-5777 मा फोन गर्नुहोस्। हामीले तपाईंले बोल्ने भाषामा तपाईंलाई निःशुल्क दोभाषे उपलब्ध गराउन सक्छौं।

Polski (Polish)

To jest ważny dokument. W przypadku konieczności skorzystania z pomocy w celu zrozumienia jego treści należy zadzwonić pod numer 1-855-355-5777. Istnieje możliwość uzyskania bezpłatnej usługi tłumacza języka, którym się posługujesz.

Twi (Twi)

Krataa yi ye tow krataa a ho hia. Se wo hia eho nkyerekyeremu a, ye sre wo, fre 1-855-355-5777. ye&etumi ama wo obi a okyerE kasa a woka no ase ama wo kwa a wontua hwee.

(Urdu) اردو

یہ ایک اہم دستاویز ہے۔ اگر آپ کو اسے سمجھنے کے لیے مدد کی ضرورت ہے تو براہ کرم 1-855-355-5777 پر کال کریں۔ ہم آپ کو آپ کی مادری زبان میں ایک مفت مترجم فراہم کر سکتے ہیں۔

Tiếng Việt (Vietnamese)

Đây là tài liệu quan trọng. Nếu quý vị cần trợ giúp để hiểu tài liệu này, vui lòng gọi 1-855-355-5777. Chúng tôi có thể cung cấp thông dịch viên miễn phí nói ngôn ngữ của quý vị.

אידיש (Yiddish)

דאס איז א וויכטיגער דאקומענט. אויב איר דארפט הילף עס צו פארשטיין, ביטע רופט 1-855-355-5777. מיר קענען אייך געבן א דאלמעטשער פריי פון אפצאל אין די שפראך וואס איר רעדט.

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