



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

Notice of Decision

Decision Date: January 17, 2018

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000023899

[REDACTED]

[REDACTED]

On December 28, 2017, you appeared by telephone at a hearing on your appeal of NY State of Health's November 2, 2017 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 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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STATE OF NEW YORK
DEPARTMENT OF HEALTH
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Decision

Decision Date: January 17, 2018

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000023899



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 were eligible to purchase a qualified health plan at full cost through NYSOH and not eligible for advanced payments of the premium tax credit (APTC), effective January 1, 2018?

Procedural History

On April 6, 2017, NYSOH issued an eligibility determination notice stating you were eligible for APTC up to \$201.00 per month, effective May 1, 2017.

On April 25, 2017, NYSOH issued a plan enrollment notice confirming your enrollment in a bronze-level qualified health plan at a cost of \$181.58 after your APTC was applied, effective May 1, 2017.

On May 17, 2017, NYSOH issued a disenrollment notice stating your coverage in your bronze-level qualified health plan would end on May 1, 2017, because you did not pay your insurance bill by the payment deadline.

On November 1, 2017, you updated your application for financial assistance with health insurance.

That day a preliminary eligibility determination was made finding you eligible to purchase a qualified health plan at full cost through NYSOH, effective January 1, 2018. The determination stated you were not eligible to receive APTC because

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APTC was paid to your health insurance company to reduce your premium costs in a prior year and NYSOH could not ascertain if a federal tax return was filed for that year.

On November 1, 2017, you spoke to NYSOH's Account Review Unit and appealed the determination insofar as you were found ineligible for APTC.

On November 2, 2017, NYSOH issued an eligibility determination notice stating that you were eligible to purchase a qualified health plan at full cost through NYSOH, effective January 1, 2018. The notice stated that you were not eligible to receive APTC because APTC was paid to your health insurance company to reduce your premium costs in a prior year and NYSOH could not ascertain if a federal tax return was filed for that year.

On December 28, 2017, 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 thirty days to allow you time to submit supporting documentation. Specifically, the Hearing Officer requested that you submit your 2016 IRS tax transcript.

On January 3, 2018, a document was uploaded to your NYSOH account and has been made part of the record as "Appellant's Exhibit 1" (see Document [REDACTED]). The record was considered closed as of January 3, 2018.

Findings of Fact

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

- 1) According to your NYSOH account, APTC was paid on your behalf in 2016.
- 2) You testified that your 2016 tax return may have been filed late.
- 3) You testified that you were not sure if you filed for an extension of the filing date for your 2016 tax return.
- 4) You updated your application with NYSOH on November 1, 2017.
- 5) You submitted a copy of your 2016 IRS Tax Transcript to NYSOH on January 3, 2018 (see Appellant's Exhibit 1; [REDACTED]).
- 6) Your IRS Tax Transcript shows your 2016 return was received on November 30, 2017 (see Appellant's Exhibit 1, p. 1; Document [REDACTED]).

- 7) You testified that you file your taxes for 2016 and 2017 as single with no dependents.
- 8) You testified that the annual expected household income amount of \$33,500.00 for 2017 is correct, and will remain the same for 2018.
- 9) You reside Kings County, NY.

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

Applicable Law and Regulations

Verification of Eligibility for Advance Payments of the Premium Tax Credit

Generally, NYSOH must conduct annual eligibility redeterminations for qualified individuals who are seeking financial assistance through insurance affordability programs for the upcoming year, such as tax credits and cost-sharing reductions, Medicaid, or Child Health Plus. In such cases, NYSOH is required to request that the qualified individual provide updated income and family size information for use in an eligibility redetermination for the upcoming year (see 45 CFR § 155.335(a) and (b)).

APTC are generally 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 applicable 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), 42 CFR § 435.911(b)(1), 42 CFR § 435.603(d)(4)).

People who use APTC to help pay health insurance premiums must file a federal tax return and reconcile their expected income (stated on NYSOH application) with their actual income (stated on their federal income tax return). Those who take less tax credit in advance than they claim on the tax return may get the rest of it as an income tax refund or have their tax bill reduced. Those who take more tax credit in advance than they can claim on their tax return will owe the difference as additional income taxes (26 CFR § 1.36B-4).

NYSOH may not determine a tax filer eligible for APTC if APTC was paid on the tax filer's behalf in a previous year, and a tax return was not filed for that previous year (45 CFR § 155.305(f)(4)).

For all individuals whose household income is needed, NYSOH must request tax return data from the Secretary of the Treasury and data regarding Social Security

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benefits from the Commissioner of Social Security in order to confirm that the information the applicant is attesting to is accurate (45 CFR § 155.320(c)(1)(i); 45 CFR § 155.320(c)(3)(ii)(A)).

Legal Analysis

The issue under review is whether NYSOH properly determined that you were eligible to purchase a qualified health plan at full cost through NYSOH and not eligible for advanced payments of the premium tax credit (APTC), effective January 1, 2018.

On November 1, 2017, NYSOH received your updated application for financial assistance for 2018. On November 2, 2017, NYSOH issued a notice of eligibility determination stating that you were eligible to purchase a qualified health plan at full cost through NYSOH, effective January 1, 2018, and ineligible to receive APTC. The notice stated this was because APTC was paid to your health insurance company on your behalf in a prior year and NYSOH could not ascertain if a federal tax return was filed for that year.

You testified that you may have filed your 2016 tax return late but were not sure.

At the time of your November 1, 2017 application, NYSOH had not received information from the IRS that your household's tax return for 2016 had been properly filed. If NYSOH is unable to obtain information that a prior year's tax return has been filed, NYSOH may not determine a tax filer eligible for APTC, if APTC was paid on the tax filer's behalf in a previous year.

The Hearing Officer requested that you submit a copy of your 2016 IRS Tax Transcript and left the record open for thirty days to allow you to submit this documentation. On January 3, 2018, you uploaded a copy of your 2016 IRS Tax Transcript to your account (see Appellant's Exhibit 1; Document

██████████). Your IRS Tax Transcript shows your 2016 return was received by the IRS on November 30, 2017 (see Appellant's Exhibit 1, p. 1; ██████████). Therefore, the November 2, 2017 eligibility determination notice was proper and correct in determining that NYSOH could not tell if you had filed a tax return for 2016 and, as such, could not find you eligible for APTC prospectively, and is AFFIRMED as correct when made.

However, the November 2, 2017 eligibility determination notice is no longer supported by the record as developed by your telephone hearing and proof that your 2016 federal tax return was received by the IRS on November 30, 2017. Therefore, your case is RETURNED to NYSOH to rerun your application to ascertain your eligibility for financial assistance with health insurance in 2018 for a one-person household with an expected annual household income of

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\$33,500.00, for an individual residing in Kings County, NY. NYSOH is directed to refer to your supporting documentation to verify that you filed your 2016 tax return and reconciled your APTC for 2016 (see Appellant's Exhibit 1, Document [REDACTED])

Decision

The November 2, 2017 eligibility determination notice was correct when made and is AFFIRMED.

Your case is RETURNED to NYSOH to redetermine your eligibility for financial assistance with health insurance in 2018 for an individual residing in Kings County, NY, who is in a one-person household with an expected annual household income of \$33,500.00. NYSOH is directed to refer to your supporting documentation to verify that you filed your 2016 tax return and reconciled your APTC for 2016 (see Appellant's Exhibit 1, [REDACTED])

Effective Date of this Decision: January 17, 2018

How this Decision Affects Your Eligibility

This decision is not a final determination of your eligibility for APTC for 2018.

Your case is being sent back to NYSOH to redetermine your eligibility for financial assistance with your health insurance in 2018, based on your IRS Transcript for 2016. NYSOH will notify you of its redetermination.

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 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)).

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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):

You can contact us in any of the following ways:

- 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

Summary

The November 2, 2017 eligibility determination notice is **AFFIRMED** as correct when made.

Your case is **RETURNED** to NYSOH to redetermine your eligibility for financial assistance with health insurance in 2018 for an individual residing in Kings Count, NY, who is in a one-person household with an expected annual household income of \$33,500.00. NYSOH is directed to refer to your supporting documentation to verify that you filed your 2016 tax return and reconciled your APTC for 2016 (see Appellant's Exhibit 1, [REDACTED]).

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).

This decision is not a final determination of your eligibility for APTC for 2018.

Your case is being sent back to NYSOH to redetermine your eligibility for financial assistance with your health insurance in 2018, based on your IRS Transcript for 2016. NYSOH will notify you of its redetermination.

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&btumi 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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