



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

Notice of Decision

Decision Date: February 12, 2018

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000024357

[REDACTED]
[REDACTED]
[REDACTED],

On January 5, 2018, you appeared by telephone at a hearing on your appeal of NY State of Health's November 15, 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 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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Decision

Decision Date: February 12, 2018

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000024357



Issue

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

Did NY State of Health properly determine that you and your spouse were eligible to purchase a qualified health plan at full cost through NYSOH and ineligible for advance payments of the premium tax credit or cost-sharing reductions, effective December 1, 2017?

Procedural History

On November 15, 2017, NY State of Health (NYSOH) received your application for health insurance. That day, NYSOH issued a preliminary eligibility determination stating that you and your spouse were not eligible to receive help paying for health insurance coverage, however, you and your spouse were eligible to purchase a qualified health plan at full cost.

Also on November 15, 2017, you contacted NYSOH's Account Review Unit and requested an appeal of that preliminary eligibility determination insofar as you and your spouse were not eligible for advance premium tax credit or cost sharing reductions.

On November 16, 2017, NYSOH issued an eligibility determination notice based on the information contained in the November 15, 2017 application, stating you and your spouse were eligible to purchase a qualified health plan at full cost beginning December 1, 2017. It stated that you and your spouse do not qualify for an advance premium tax credit or cost-sharing reductions because advance premium tax credit were paid to your health insurance company to reduce your

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premium costs in a prior year, and that NYSOH was unable to determine whether you and your spouse filed a federal tax return for that year.

On January 5, 2018, you had a telephone hearing with a Hearing Officer from NYSOH's Appeals Unit. The record was developed during the hearing and left open until February 5, 2018 to allow you and your spouse time to submit one of two documents. Specifically, the Hearing Officer requested that you submit a copy of your 2016 IRS tax transcript, or a letter from you or your spouse stating that a copy of your 2016 IRS tax transcript was requested but that additional time was needed to obtain the document from the IRS. Upon receipt of the letter requesting additional time, the record would be automatically held open until March 5, 2018 to allow you and your spouse time to submit your 2016 IRS tax transcript. Neither a copy of you and your spouse's 2016 IRS Tax Transcript, nor a letter requesting additional time was received by February 5, 2018. The record is now closed.

Findings of Fact

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

- 1) Your NYSOH account reflects that an advance premium tax credit was paid on you and your spouse's behalf in 2016.
- 2) You testified that you and your spouse received an extension to file your 2016 taxes, and that you filed your taxes timely at the end of September 2017 or the beginning of October 2017 based on that extension.
- 3) You testified that you and your spouse filed your 2016 tax return with a tax filing status of married filing jointly.
- 4) You testified that you and your spouse reconciled the advance premium tax credit you received in 2016 on your 2016 tax return.
- 5) You have not submitted a copy of your 2016 IRS tax transcript.

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

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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 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)).

Cost-Sharing Reductions

Cost-sharing reductions (CSR) are available to a person who (1) is eligible to enroll in a QHP through NYSOH, (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 issue is whether NYSOH properly determined that you and your spouse were not eligible for APTC and cost-sharing reductions.

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In the eligibility determination notice issued on November 16, 2017, NYSOH stated that you and your spouse were eligible to purchase a qualified health plan at full cost, effective December 1, 2017. That notice also stated that you and your spouse were not eligible to receive advance premium tax credit or cost sharing reductions. This was because advance premium tax credit was paid to your health insurance company on you and your spouse's behalf in a prior year, and NYSOH was unable to determine if you and your spouse filed a federal tax return for that year.

You testified that you and your spouse received an extension to file your 2016 tax return, and that you filed that return timely based on that extension in late September or early October 2017.

At the time of your November 15, 2017 application, NYSOH had not received information from the IRS establishing that you and your spouse's 2016 tax transcript had been properly filed or that prior years APTC had been reconciled.

If APTC credit was paid on a tax filer's behalf but NYSOH is unable to obtain information that a prior year's tax return was filed, NYSOH may not determine a tax filer eligible for APTC. Cost-sharing reductions are available only to those who meet the requirements for APTC. Therefore, if a tax filer does not qualify for APTC, that tax filer is also ineligible to receive cost sharing reductions.

Although you testified that you and your spouse filed your 2016 tax return, the Hearing Officer requested that you and your spouse submit a copy of your 2016 tax transcript. The Hearing Officer left the record open until February 5, 2018 for you and your spouse to submit a copy of your 2016 IRS tax transcript, or to request additional time if you and your spouse had not yet received the tax transcript from the IRS by the deadline. You and your spouse did not submit your 2016 IRS tax transcript, or a letter requesting additional time by February 5, 2018.

Since you and your spouse did not submit your 2016 IRS tax transcript, there is insufficient evidence in the record to establish that you and your spouse filed your 2016 tax return or reconciled your 2016 APTC on that return. Therefore, the November 16, 2017 eligibility determination finding you and your spouse eligible to purchase a qualified health plan at full cost, effective December 1, 2017, and ineligible for advance premium tax credit or cost sharing reductions is **AFFIRMED**.

However, you testified that you and your spouse filed your 2016 tax return in late September or early October 2017. The IRS may have since updated its electronic data sources since the date of you and your spouse's November 15, 2017 application. Therefore, your case is **RETURNED** to NYSOH to rerun your application to ascertain whether the IRS data sources now reflect that you and

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your spouse filed your 2016 tax return, and to determine if you and your spouse are now eligible for financial assistance with health insurance.

Decision

The November 16, 2017 eligibility determination is AFFIRMED.

Your case is RETURNED to NYSOH to rerun your application in order to ascertain whether the IRS data sources now reflect that you and your spouse filed your 2016 tax return, and to determine if you and your spouse are eligible for financial assistance with health insurance.

Effective Date of this Decision: February 12, 2018

How this Decision Affects Your Eligibility

You and your spouse remain eligible to purchase a qualified health plan at full cost through NYSOH.

Your case is being sent back to NYSOH to determine if the IRS data sources now reflect that you and your spouse filed your 2016 tax return, and if so, to redetermine your eligibility for financial assistance with health insurance.

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)).

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

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).

- 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 16, 2017 eligibility determination is **AFFIRMED**.

You and your spouse remain eligible to purchase a qualified health plan at full cost through NYSOH.

Your case is **RETURNED** to NYSOH to rerun you and your spouse's application in order to ascertain whether the IRS data sources now reflect that you and your spouse filed your 2016 tax return, and to determine if you and your spouse are eligible for financial assistance with health insurance.

Legal Authority

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).

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

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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 okyerε 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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