



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

Notice of Decision

Decision Date: April 19, 2018

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000025880

[REDACTED]

On February 21, 2018, you appeared by telephone at a hearing on your appeal of NY State of Health's December 14, 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
P.O. Box 11729
Albany, NY 12211

Decision

Decision Date: April 19, 2018

NY State of Health Account ID: [REDACTED]
Appeal Identification Number: AP000000025880



Issue

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

Did New York 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 advanced payments of the premium tax credit, effective January 1, 2018?

Procedural History

On December 13, 2017, NY State of Health (NYSOH) received your updated application for financial assistance with health insurance.

On December 14, 2017, NYSOH issued an eligibility determination notice stating that you and your spouse were eligible to purchase a qualified health plan at full cost through NYSOH, effective January 1, 2018. This notice further stated that you and your spouse were not eligible for advanced payment of the premium tax credit (APTC) for one of the following reasons: You told NYSOH that you do not plan on filing a federal tax return; or you are married and told NYSOH that you will file taxes separately from your spouse; or you received APTC in prior years and NYSOH cannot tell if a federal tax return was filed for that year.

On December 15, 2017, you spoke to NYSOH's Account Review Unit and requested an appeal insofar as you and your spouse were found ineligible for financial assistance for 2018.

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On January 5, 2018, you uploaded your 2016 IRS Tax Transcript to NYSOH (see Document [REDACTED]).

On January 5, 2017, NYSOH issued an eligibility determination notice stating that you and your spouse were eligible for APTC with cost-sharing reductions, for a limited time, effective January 1, 2018. This notice further stated that you and your spouse had been granted Aid to Continue until a decision is made on your appeal.

Also on January 5, 2017, NYSOH issued a plan enrollment notice confirming your and your spouse's enrollment in a bronze-level qualified health plan with \$827.00 in APTC applied to your monthly premium, effective January 1, 2018.

On February 21, 2018, you had a telephone hearing with a Hearing Officer from NYSOH's Appeals Unit. The record was developed during the hearing and the record was held open until March 23, 2018, to allow you time to submit supporting documentation.

On March 14, 2018, you uploaded a letter to your NYSOH account stating that you requested your 2015 IRS Tax Transcript on March 13, 2018, but have yet to receive the document. You requested that you be given additional time to submit this documentation. As a result, the Hearing Officer left the record open until April 6, 2018, to allow you time to receive and submit this document.

As of the end of the business day on April 6, 2018, the NYSOH's Appeals Unit did not receive any documents from you and none were viewable in your NYSOH account. Therefore, the record was closed the same day and this decision is based on the record as developed at the time of the hearing.

It is noted that on April 12, 2018, you submitted a written request for an additional extension, which is not being granted.

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 and your spouse's behalf in 2015 and 2016.
- 2) On December 14, 2017, NYSOH issued a notice stating that you and your spouse were not eligible for financial assistance because APTC had been paid to your health insurance company to reduce your premium costs in a prior year and NYSOH was unable to tell if a federal tax return was filed for that year.

- 3) You testified that you always use a certified public accountant to file your federal tax return.
- 4) According to your NYSOH account and your testimony, you uploaded your 2016 IRS Tax Transcript on January 5, 2018, which indicates that you filed Form 8962 with your 2016 federal tax return (see Document [REDACTED])
- 5) You testified that you filed your 2015 federal tax return on time and that you believe that you did reconcile your and your spouse's APTC at that time.
- 6) The Hearing Officer left the record open until April 6, 2018, to allow you time to submit your 2015 IRS Tax Transcript, but by the end of the business day on April 6, 2018, you had not submitted the documentation requested.
- 7) According to your NYSOH account and your testimony, you are applying for health insurance for yourself and your spouse.
- 8) According to your NYSOH account and your testimony, you and your spouse expect to file a 2018 federal income tax return with the tax filing status of married filing jointly and will claim no dependents on that tax return.
- 9) You testified that your expected annual income for 2018 is currently \$35,091.00, which consists of income you and your spouse receive from your self-employment.
- 10) Your NYSOH application indicates, and you testified that, you and your spouse reside in Nassau County.
- 11) You testified that you and your spouse would like to be able to receive APTC in 2018 to offset the cost of your and your spouse's health insurance premium.

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)).

Legal Analysis

The issue under review is whether NYSOH properly determined that you and your spouse were eligible to purchase a qualified health plan at full cost through NYSOH and not eligible for APTC, effective January 1, 2018.

On December 13, 2017, NYSOH received your updated application for health insurance. Based on that application, NYSOH determined that you and your spouse were not eligible for financial assistance because, based on federal and state data sources, it appeared that you had not filed a prior year's tax return with Form 8962, and as a result, did not reconcile your and your spouse's APTC that you received in prior years with the IRS.

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Applicants who use APTC to help pay health insurance premiums must file a federal tax return and reconcile their expected income as stated on their NYSOH application, with their actual income as stated on their federal income tax return to determine and reconciled the amount of APTC to which they were entitled in a given year. As such, if APTC was paid on that tax filer's behalf in a previous year and NYSOH is unable to determine whether the APTC was reconciled on their federal tax return, NYSOH may determine a tax filer ineligible for APTC.

The record indicates that you and your spouse received APTC in 2015. You testified that you filed your 2015 federal tax return through the assistance of an accountant. You further testified that you filed this tax return on time and that you believe that you reconciled your and your spouse's APTC on this tax return.

Although you testified that you filed your 2015 tax return, the Hearing Officer requested that you submit a copy of your 2015 IRS tax transcript and left the record open until April 6, 2018, to allow you time to submit this documentation. The record indicates that you did not submit your 2015 IRS tax transcript within the allotted time. Therefore, you have not submitted sufficient proof that you filed your 2015 tax return with Form 8962 showing APTC received that year had been reconciled and, as a result, the NYSOH's Appeals Unit is unable to determine whether you and your spouse reconciled the APTC received in 2015 with the IRS.

As you received APTC in 2015 and there is insufficient evidence in the record to demonstrate that you filed your 2015 tax return with the requisite information required to reconcile your and your spouse's APTC, the December 14, 2017 eligibility determination notice finding you and your spouse eligible to purchase a qualified health plan at full cost through NYSOH, effective January 1, 2018, is **AFFIRMED**.

Decision

The December 14, 2017 eligibility determination notice is **AFFIRMED**.

Effective Date of this Decision: April 19, 2018

How this Decision Affects Your Eligibility

NYSOH properly determined that you and your spouse were eligible to purchase a qualified health plan at full cost through NYSOH.

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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:

- 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

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P.O. Box 11729
Albany, NY 12211

- By fax: 1-855-900-5557

Summary

The December 14, 2017 eligibility determination notice is AFFIRMED.

NYSOH properly determined that you and your spouse were eligible to purchase a qualified health plan at full cost through NYSOH.

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。我们可以为您免费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 1-855-355-5777번으로 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.

(Bengali)

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1-855-355-5777

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 bɛtumi ama wo obi a okyerɛ 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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