



**DECISION OF
MNSURE BOARD
ON APPEAL**

In the Appeal of: [REDACTED]

For: MinnesotaCare

Agency: MNSure Board

Docket: 155778

On October 15, 2014 Appeals Examiner Ellen Longfellow held an evidentiary hearing under 42 U.S.C. §18081(f) and Minnesota Statute §62V.05, subdivision 6(a).

The following people appeared at the hearing:

[REDACTED] Appellant;
MNSure did not attend but submitted written materials.

Based on the evidence in the record and considering the arguments of the parties, I recommend the following findings of fact, conclusions of law, and order.

STATEMENT OF ISSUE

Whether MNSure correctly determined that Appellant is not eligible for MinnesotaCare.

FINDINGS OF FACT

1. On August 25, 2014, appellant applied for MinnesotaCare through the MNSure system. On that date, MNSure determined that the appellant was not eligible for MinnesotaCare or a tax credit for a health insurance premium. Appellant requested an appeal on August 29, 2014.

2. On October 15, 2014, Appeals Examiner Ellen Longfellow held an evidentiary hearing via telephone conference. The record, consisting of three exhibits¹, was closed at the end of the hearing.

3. Appellant applied for MinnesotaCare as a household of three which included herself and her two sons, [REDACTED] – [REDACTED] years old and [REDACTED] – [REDACTED] years old. Due to a recent divorce agreement, appellant only claims one child – [REDACTED] – as a dependent on her tax returns. Her ex-husband claims the other child – [REDACTED] – as a dependent on his tax return. *Exhibit 1; Testimony of appellant.*

4. Though the appellant and her two children qualified for MinnesotaCare as a household of three previously, now that she is only claiming one child on her tax return, MinnesotaCare considers her to be in a two person household for eligibility purposes. *Exhibit 1.*

5. The appellant's projected annual income based on her MNSure application is \$36,400. For a household of two, the income eligibility amount for MinnesotaCare is income below 200% of the federal poverty guideline which is \$31,020. MNSure found her ineligible for MinnesotaCare because her income was above the income eligibility amount. *Exhibit 1.*

6. Appellant argued that since she shares custody of her children and both of them are with her most of the time, she should be able to be considered to be a three person household. Since she only claims one dependent on her taxes, her income is less. Appellant did not contest the decision that she was not eligible for tax credits. *Testimony of appellant; Exhibit 2.*

7. I find that MNSure properly determined that appellant was not eligible for

¹ Exhibit 1 – Memorandum from Minnesota DHS Health Care Eligibility Operations; Exhibit 2 – Appellant's appeal request; Exhibit 3 – Appellant's request for an expedited appeal.

MinnesotaCare because her income was too high for a household of two.

CONCLUSIONS OF LAW

1. This appeal is timely under 45 C.F.R §155.520(b).
2. The MNsure Board has the legal authority to review and decide issues in this appeal regarding Appellant’s eligibility for MinnesotaCare. Minn. Stat. § 256.045, subd. 3.
3. Household income means a taxpayer's modified adjusted gross income. *26 C.F.R. §1.36B-1(e)(1). 42 CFR 435.605(f)(1)*. Appellant’s household is considered to be a household of two for MinnesotaCare because she is a single person with one child as a tax dependent. *26 C.F.R. §1.36B 1; 42 C.F.R. §435.603; 45 C.F.R. § 155.300*.
4. To be eligible for MinnesotaCare, one must have an income below 200% of the federal poverty guideline. *Minn. Stat. 256L.04 and 256L.07*. For a household of two, that amount is \$31,020.
5. The appellant’s projected annual income is \$36,400 so MNsure properly determined that she was not eligible for MinnesotaCare because she had too much income for a household of two.

RECOMMENDED ORDER

THE APPEALS EXAMINER RECOMMENDS THAT:

The MNsure Board AFFIRM the agency’s determination that the appellant was not eligible for MinnesotaCare.

/s/ Ellen Longfellow
Ellen Longfellow
Appeals Examiner

October 31, 2014
Date

ORDER

IT IS THEREFORE ORDERED THAT based upon all the evidence and proceedings, the MNsure Board adopt the Appeals Examiner's findings of fact, conclusions of law and order as each agency's final decision.

Date

cc: [REDACTED] Appellant
[REDACTED] MNsure
[REDACTED] Minnesota Department of Human Services

FURTHER APPEAL RIGHTS

This decision is final, unless you take further action.

Appellants who disagree with this decision should consider seeking legal counsel to identify further legal recourse.

If you disagree with the effect this decision has on your eligibility for **Advance Premium Tax Credits, Cost Sharing Reductions, Qualified Health Plan, and/or the Small Business Health Insurance Options Program**, you may:

- **Appeal to the United States Department of Health and Human Services (DHHS)** under 42 U.S.C. § 18081(f) and 45 C.F.R. § 155.520(c). This decision is the final decision of MNsure, unless an appeal is made to DHHS. An appeal request may be made to DHHS *within 30 days of the date of this decision* by calling the Marketplace Call Center at 1-800-318-2596 (TTY 855-889-4325); or by downloading the appeals form for Minnesota from the appeals landing page on www.healthcare.gov.

If you disagree with this effect this decision has on your eligibility for **Medical Assistance and/or MinnesotaCare** benefits, you may:

- **Request the Appeals Office reconsider this decision.** The request must state the reasons why you believe your appeal should be reconsidered. The request

may include legal arguments and may include proposed additional evidence supporting the request; however, if you submit additional evidence, you must explain why it was not provided at the time of the hearing. The request must be *in writing*, be made *within 30 days of the date of this decision*, and a *copy of the request must be sent to the other parties*. Send your written request, with your docket number listed, to:

Appeals Office
Minnesota Department of Human Services
P.O. Box 64941
St. Paul, MN 55164-0941
Fax: (651) 431-7523

- **Start an appeal in the district court.** This is a separate legal proceeding, and you must start this *within 30 days of the date of this decision* by serving a notice of appeal upon the other parties and the Commissioner. The law that describes this process is Minnesota Statute § 256.045, subdivision 7.