



**DECISION
OF AGENCY
ON APPEAL**

In the Appeal of: [REDACTED]

For: Advance Payment of Premium Tax Credit
Qualified Health Plan
MinnesotaCare
Medical Assistance

Agency: MNsure Board
Minnesota Department of Human Services

Docket: 158517

On January 13, 2015, Appeals Examiner Jonathan R. Hall held an evidentiary hearing under 42 United States Code §18081(f), Minnesota Statute §62V.05, subdivision 6(a) and Minnesota Statute § 256.045, subdivision 3.

The following people appeared at the hearing:

[REDACTED] Appellant
[REDACTED] MNsure Board

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 ISSUES

Whether the Appellant is eligible for reimbursement of qualified health plan premium payments.

Whether the Minnesota Department of Human Services correctly determined that the Appellant was ineligible for MinnesotaCare coverage.

Whether the Minnesota Department of Human Services correctly determined that the Appellant's household was eligible for Medical Assistance benefits.

FINDINGS OF FACT

1. The MNsure Board (herein MNsure) advised the Appellant that the Appellant was eligible to select a qualified health plan (QHP) as provided in the Affordable Care Act. *Exhibit 3*. The Minnesota Department of Human Services (herein DHS) determined that the Appellant and her husband were ineligible For MinnesotaCare coverage and ineligible for Medical Assistance benefits, and that their minor children were eligible for medical assistance. *Exhibit 2*. The Appellant filed a request challenging these determinations, which MNsure received on December 15, 2014. *Exhibit 1*. On January 13, 2015, Appeals Examiner Jonathan R. Hall held an evidentiary hearing via telephone conference. The judge accepted into evidence three exhibits.¹ The record was closed at the conclusion of the hearing.

2. The Appellant's household consists of herself, her husband [REDACTED] and their two minor children, [REDACTED] and [REDACTED] *Exhibit 2; Exhibit 3*. The Appellant's zip code, which dictates the geographic region she is assigned for purposes of calculating overall premium costs, is [REDACTED] *Exhibit 1*.

3. On January 31, 2014, the Appellant applied for health care insurance affordability programs for herself and her family on the MNsure Eligibility System. *Exhibits 2 & 3*.

4. The Appellant reported gross income for 2014 of \$39,198.00. [REDACTED] reported gross income for 2014 of \$39,198.00. MNsure determined that the Appellant's 2014 household income was \$78,396.00, which is over 275 percent of the 2014 federal poverty level. As of June 5, 2014, the household's projected 2015 income of \$61,266.00² was above 200 percent, but below 275 percent of the federal poverty guideline and that the

¹ Exhibit 1 (Appeal); Exhibit 2 (Appeal Summary – DHS); Exhibit 3 (Appeal Summary – MNsure).

² This figure is cited in the DHS Summary, but is nor corroborated by other evidence. The preponderant evidence shows that the household's projected 2015 gross income is \$62,068.00.

appellant and her husband were ineligible for MinnesotaCare and medical assistance. MNsure determined that their two minor children were eligible for medical assistance. *Exhibit 2.*

5. The Appellant reported a projected 2015 gross income of \$40,000.00. [REDACTED] reported a projected 2015 gross income of \$22,068.00. The appellant's household projected income for 2015 is \$62,068.00. *Exhibit 2; Exhibit 3. Exhibit 2.*

6. MNsure determined that the appellant and her husband were eligible for advanced premium tax credits, and their two minor children were determined eligible for medical assistance effective June 1, 2014. *Exhibit 2.*

7. On August 8, 2014, the appellant was laid off from her employment. *Exhibit 1; Appellant Testimony.*

8. On August 20, 2014, MNsure corrected [REDACTED] income to be \$22,068.00 effective June 5, 2014 and ongoing. MNsure determined that the Appellant and [REDACTED] were ineligible for medical assistance and MinnesotaCare, but that their children were eligible for medical assistance. *Exhibit 2; Appellant Testimony.* On August 20, 2014, the appellant contacted MNsure to correct her husband's gross income. The Appellant claimed that she had reported a loss of employment and income to MNsure for herself, but MNsure had no record of the report. MNsure determined that the Appellant and her husband were eligible to select a QHP, but that her children were eligible for medical assistance as of June 1, 2014 because the household income was above 200 percent, but below 275 percent of the federal poverty guidelines for a household of four. *Exhibit 3.* The Appellant selected a QHP through PreferredOne and paid premiums throughout 2014. Although the Appellant applied for health insurance in January 2014, it was not until August 2014 that the correct coverage began for each member of her household because MNsure had calculated the appellant's household income incorrectly. However, she and her husband paid premiums for each month of 2014. *Appellant Testimony.*

9. On August 25, 2014, the Appellant contacted MNsure via telephone and spoke to a worker for several minutes. The Appellant was erroneously informed on that date and in November 2014 that she and her husband were eligible for medical assistance and that she should not choose a QHP because she was eligible for medical assistance. *Appellant Testimony.*

10. On December 10 and December 15, 2014, the appellant contacted MNsure via telephone and was told that she was eligible for medical assistance and that the premium payments she made to her QHP would be refunded. *Appellant Testimony.*

11. The Appellant and her husband are eligible to enroll in a Qualified Health Plan through MNsure because her household income is under 400 percent of the federal poverty level. *Exhibit 3; [REDACTED] Testimony.*

12. The Appellant and her husband were enrolled in a QHP for the 2014 calendar year. The Appellant is satisfied with her children's enrollment in medical assistance since June 1, 2014. *Appellant Testimony*

13. The Appellant has not chosen a QHP for 2015 because MNsure has not verified her projected 2015 household income. *Appellant Testimony.* MNsure erroneously took the appellant's 2014 gross income and misapplied it to the 2015 guidelines. This error resulted in the MNsure informing the Appellant that she was eligible for medical assistance. MNsure is now working with the Appellant to rectify the error. [REDACTED] *Testimony.*

APPLICABLE LAW

14. Pursuant to 45 C.F.R. § 155.520(b)(1) and Minn. R. 7700.0105, subp. 2(D) an appeal must be received within 90 days from the date of the notice of eligibility determination. In this case, the preponderant evidence indicates that the most recent date the appellant was notified of the status of her household's health care coverage was August 20, 2014, when MNsure notified the Appellant that it had determined that she and her husband were eligible for QHP enrollment and her children were eligible for medical assistance. The appeal was received on December 15, 2014, over 90 days later. Therefore, I have no authority to decide the appeal on its merits and the appeal must be dismissed for lack of jurisdiction.

RECOMMENDED ORDER

THE APPEALS EXAMINER RECOMMENDS THAT the appeal be dismissed for lack of jurisdiction.

/s/Jonathan R. Hall
Jonathan R. Hall
Appeals Examiner

March 6, 2015
Date

ORDER

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

FOR THE COMMISSIONER OF HUMAN SERVICES as to any effect the decision has on Appellant's eligibility for Medical Assistance and/or MinnesotaCare benefits.

FOR THE MNSURE BOARD as to any effect the decision has on Appellant's eligibility through MNsure for Advance Premium Tax Credits, Cost Sharing Reductions, Qualified Health Plan, and/or the Small Business Health Insurance Options Program.

Date

cc: [REDACTED] Appellant
[REDACTED] MNsure
[REDACTED] Minnesota Department of Human Services - 0838

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.
- **Seek judicial review** to the extent it is available by law.

If you disagree with the 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.