



Minnesota Department of **Human Services**

**DECISION OF
STATE AGENCY
ON APPEAL**

In the Appeal of: [REDACTED]
For: MinnesotaCare
Agency: Minnesota Department of Human Services
Docket: 159574

On February 26, 2015, Human Services Judge Christopher Cimafranca held an evidentiary hearing under Minn. Stat. § 256.045, subd. 3.

The following person appeared at the hearing:

[REDACTED], Appellant.

The Human Services Judge, based on the evidence in the record and considering the arguments of the parties, recommends the following findings of fact, conclusions of law, and order.

STATEMENT OF ISSUES

The issues raised in this appeal are:

Whether the appeal was timely; and

Whether Minnesota Department of Human Services correctly determined that the Appellant was not eligible for MinnesotaCare coverage in 2014.

FINDINGS OF FACT

1. In November 2013, the Appellant applied for healthcare coverage on the MNsure website. *Testimony of Appellant*. The Appellant was determined eligible to enroll in a Qualified Health Plan and receive Advanced Premium Tax Credits. *Testimony of Appellant; Exhibit 1*. The Agency determined that the Appellant was ineligible for MinnesotaCare. *Testimony of Appellant*. The Appellant received written notice of the determination sometime in November 2013. *Testimony of Appellant*.

2. The Agency records show that the Appellant attested to a projected annual income of \$26,397.00 in the 2013 application. *Exhibit 1; Testimony of Appellant*. He also attested that his spouse had a projected annual income of \$12,516.00 in the same application. *Exhibit 1; Testimony of Appellant*.

3. In November 2014, the Appellant reapplied for health care coverage on the MNsure website. *Testimony of Appellant*. The Agency determined that he was eligible for MinnesotaCare in 2015 on November 20, 2014. *Testimony of Appellant; Exhibit 1*. The Appellant attested that his projected annual income was \$18,633.00 and his spouse's projected annual income was \$7,296.00. *Exhibit 1*.

4. The Appellant wants the Agency to find him eligible for MinnesotaCare in 2014 because the 2012 annual income (\$1,240.00) he believes he entered in the 2013 application was less than the income he entered in the 2014 application. *Testimony of Appellant*. The Appellant would like his colonoscopy procedure in 2014 to be covered by MinnesotaCare. *Testimony of Appellant*.

5. On January 22, 2015, the Appellant requested a state fair hearing with the Appeals Office. *Exhibit 2*.

6. On February 26, 2015, Human Services Judge Christopher Cimafranca held an evidentiary hearing via telephone conference. The record was closed consisting of two exhibits.¹

¹Appeal Summary with Attachments, Exhibit 1; Fax from the Appellant on February 27, 2015, Exhibit 2.

7. The Appellant believes that he may have entered the incorrect figure in his 2013 application. *Testimony of Appellant.*

CONCLUSIONS OF LAW

1. A person may request a state fair hearing by filing an appeal either: 1) within thirty days of receiving written notice of the action; or 2) within ninety days of such notice if the Appellant can show good cause why the request for an appeal was not submitted within the thirty day time limit. *Minn. Stat. § 256.045, subd. 3.*

2. In this case, the Human Services Judge finds that the Commissioner of Human Services does not have jurisdiction over this appeal under Minnesota Statutes, § 256.045 subdivision 3. The record establishes that the Appellant filed his appeal well outside of the 90-day period. The Appellant filed an appeal in January 2015. He is appealing his eligibility for MinnesotaCare in 2014. He received notice of the eligibility determination sometime in November 2013. Therefore, the Commissioner of Human Services does not have jurisdiction over this appeal under Minnesota Statutes, § 256.045 subdivision 3.

RECOMMENDED ORDER

THE HUMAN SERVICES JUDGE RECOMMENDS THAT the Commissioner of Human Services DISMISS the Appellant's appeal of his eligibility for MinnesotaCare in 2014 for lack of jurisdiction.

Christopher Cimafranca
Human Services Judge

Date

ORDER OF THE COMMISSIONER

IT IS THEREFORE ORDERED THAT based upon all the evidence and proceedings, the Commissioner of Human Services adopts the Human Services Judge's recommendation as her final decision.

FOR THE COMMISSIONER OF HUMAN SERVICES:

Date

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 this decision, 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 that you must start *within 30 days of the date of this decision*. You start this proceeding by serving a notice of appeal upon the other parties and the Commissioner, and filing the original notice and proof of service with the county district court. The law that describes this process is Minnesota Statute § 256.045, subdivision 7.²

cc: [REDACTED], Appellant
Teressa Saybe, Minnesota Department of Human Services - 0838

² County agencies do not have the option of appealing decisions about Supplemental Nutrition Assistance Program (SNAP), Minnesota Family Investment Program (MFIP), or Diversionary Work Program (DWP) benefits to district court under 7 C.F.R. § 273.15(q)(2) and Minnesota Statute § 256J.40.