



**DECISION  
OF AGENCY  
ON APPEAL**

In the Appeal of: [REDACTED]  
For: Qualified Health Plan  
Agency: MNsure Board  
Docket: 174864

On April 18, 2016, Appeals Examiner Kelly A. Vargo 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;

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 the MNsure Board correctly determined that the effective date for Appellant's coverage for his Qualified Health Plan cannot be made later than January 1, 2016.

## FINDINGS OF FACT

1. On or around December 22, 2015, the MNsure Board ("Agency") informed Appellant that he would be able to enroll in a Qualified Health Plan. *Exhibit 3*. On December 22, 2015 Appellant selected a qualified health plan online. *Id.* On December 23, 2015, MNsure sent enrollment details to the carrier. *Id.* On March 8, 2016, Appellant contacted the agency and informed the agency that his address was incorrect. *Id.* The agency corrected his address. *Id.* Appellant also reported he has not received any billing information from the carrier at which time the agency notified Appellant he should contact his carrier. *Id.* The Appellant was notified by his carrier that he needed to submit payment to receive his ID cards and he challenged this action by filing an appeal request with the Agency on March 8, 2016. *Exhibit 1*.

2. On April 18, 2016, Human Services Judge Kelly A. Vargo held an evidentiary hearing via telephone conference. The record, consisting of three exhibits,<sup>1</sup> was closed at the end of the hearing.

3. On December 22, 2015, the Appellant sought eligibility for a Qualified Health Plan through MNsure's website. *Testimony of Appellant*. Appellant does not dispute his eligibility in a Qualified Health Plan nor does Appellant dispute his ineligibility in Medical Assistance or MinnesotaCare. *Id.* Appellant contends that a MNsure navigator helped him with his application and also helped him select a Qualified Health Plan. *Id.*

4. Appellant contends that he contacted MNsure the first week in March inquiring about his insurance card. *Testimony of Appellant*. Appellant admits he was instructed to call his insurance company which he did. *Id.* Appellant was told by his insurance company that he needs to pay the premiums for all of the months even though he did not have an insurance card. *Id.* Appellant contends he has not made any payments for his premiums and he wants the effective date for his health insurance coverage to be March 1, 2016. *Id.* Appellant contends that while he was aware that he was eligible for a Qualified Health Plan effective January 1, 2016, he never used the health insurance because he did not have a card. *Id.*

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<sup>1</sup> Appellant's Appeal Request, Exhibit 1; DHS Agency's Appeal Summary and attachments, Exhibit 2; DHS Agency's Appeal Summary and attachments. Exhibit 3; MNsure Agency's Appeal Summary and attachments

## 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 through MNsure for Advance Premium Tax Credits, Cost Sharing Reductions, Qualified Health Plan, and/or the Small Business Health Insurance Options Program. *Minn. Stat. § 62V.05, subd. 6*. The MNsure Board has an agreement with the Department of Human Services to hear and decide appeals involving premium assistance.
3. 45 C.F.R. § 155.410(f)(2) reports that if a member selects a Qualified Health Plan any time between November 1, 2015 through December 28, 2015, the effective date for their health insurance coverage is January 1, 2016.
4. Appellant applied for health insurance through the MNsure website during open enrollment on December 22, 2015. Appellant selected a Qualified Health Plan on December 22, 2015. Therefore the agency correctly determined the effective date to be January 1, 2016. While the Appellant may want a later effective date to delay his obligation to pay the monthly premiums, he was aware and selected coverage to begin January 1, 2016. Appellant therefore was aware when he selected a qualified health plan of the obligation to pay monthly premiums regardless of whether he submitted medical claims. The error of the Appellant in placing an incorrect address on his application does not create an ability to change the effective date.
5. The eligibility determination being appealed stands.
6. This decision is effective January 1, 2016.

RECOMMENDED ORDER

THE APPEALS EXAMINER RECOMMENDS THAT:

- The MNsure Board AFFIRM the agency's determination that Appellant is eligible for a Qualified Health Plan with coverage effective January 1, 2016.

\_\_\_\_\_  
Kelly A. Vargo  
Appeals Examiner

\_\_\_\_\_  
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 the agency's final decision.

\_\_\_\_\_  
Date

cc: [REDACTED], Appellant  
MNsure General Counsel  
Teressa Saybe, DHS 0838