

## Connector Appeals Unit

### FINAL APPEAL DECISION: ACA21-14018

**Appeal Decision:** Appeal Denied

**Hearing Issue:** Eligibility for ConnectorCare based on income.

**Hearing Date:** April 30, 2021

**Decision Date:** May 20, 2021

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#### **AUTHORITY**

This hearing was conducted pursuant to the Patient Protection and Affordable Care Act, Section 1411, and the regulations promulgated in Title 45 of the Code of Federal Regulations, section 155.500 *et seq.*; Massachusetts General Laws Chapter 176Q, Chapter 30A, and the rules and regulations promulgated thereunder; and Title 956 of the Code of Massachusetts Regulations, section 12.00.

#### **JURISDICTION**

Applicants and Enrollees are entitled to a hearing with the Health Connector using the policies and procedures for hearings set forth in Title 45 of the Code of Federal Regulations, section 155.500 *et seq.*, for informal hearings set forth in Title 801 of the Code of Massachusetts Regulations, section 1.02, and for hearings set for in Title 956 of the Code of Massachusetts Regulations, section 12.13.

#### **ORIGINAL ACTION TAKEN BY THE HEALTH CONNECTOR**

Appellant submitted an application for subsidized health insurance on March 8, 2021. The Health Connector determined the Appellant to be eligible for a Health Connector plan with Advance premium Tax credits.

#### **ISSUE**

The issue addressed on this appeal is whether the Health Connector correctly determined that the Appellant was eligible for a Health Connector plan with Advance Premium Tax Credits.

#### **HEARING RECORD**

The Appellant appeared at the hearing, which was held by telephone, on April 30, 2021 with his father. The procedures to be followed during the hearing were reviewed with all who were present. The

Appellant and his father were sworn in and testified. The following documents were admitted into evidence with no objection from the Appellant:

- Exhibit 1: Health Connector's Hearing Affidavit (1 page)
- Exhibit 2: Health Connector's Hearing Notice (3 pages, dated April 5, 2021)
- Exhibit 3: Health Connector's Acknowledgement of Appeal 1 Pages)
- Exhibit 4: Appeals Unit Staff Case Notes (1 page)
- Exhibit 5: Appellant's appeal request form 5 pages dated September 18, 2020)
- Exhibit 6: Notice of Eligibility Determination (9 pages, dated March 8, 2021)
- Exhibit 7: Health Connector's Determination Results and Review Computer Printout (5 pages, dated March 8, 2021)
- Exhibit 8: Health Connector's Determination Results and Review Computer Printout (4 pages, dated April 15, 2021)

## **FINDINGS OF FACT**

The record shows, and I so find:

1. The Appellant is a 27 year old single male (Exhibit7 & 8)
2. The Appellant has a household of one. (Exhibit 7 & 8)
3. On his application, dated March 8, 2021 the Appellant entered a manual verified annual modified adjusted gross income of (MAGI) of \$42,056.53. (Exhibit 7)
4. The Health Connector found, based on this projected income and household size, that the Appellant's projected MAGI would place him at 329.60% of the 2021 Federal Poverty Level (FPL). An individual at that income level would be eligible for unsubsidized coverage under the ACA, with Advanced Premium Tax Credits because subsidized coverage through the state's ConnectorCare program is available to individuals whose household income is below 300% FPL and Advanced Premium Tax Credits are only available to individuals with income below 400% of the FPL.

5. Appellant then filed his appeal on March 15, 2021 because he was moving back from Colorado where he was presently working to Massachusetts to attend school and he would no longer be working and he felt he should be paying less of a premium for insurance.
6. The Appellant testified that his income was correct when he filed his application.

## **ANALYSIS AND CONCLUSIONS OF LAW**

Under 26 IRC § 36B and 45 CFR § 155.305(f), applicants are eligible for an Advance Premium Tax Credit (APTC) if they meet qualifying income levels and other eligibility requirements. Tax households eligible for APTC who are at or below 300% of the Federal Poverty Level are also eligible to enroll in ConnectorCare, a Massachusetts-based program that provides additional subsidies to help make the cost of insurance more affordable. 956 CMR § 12.04. One requirement to be eligible for APTC is that the applicant must not have access to other qualifying health insurance, including government sponsored health insurance such as Medicare. 45 CFR § 155.305(f)(1)(ii)(B); 26 IRC § 5000A(f)(1)(A)(i).

Appellant's application stated his projected MAGI was \$42,056.53, which for a household of one, puts the Appellant at approximately 329.60% of the 2020 Federal Poverty Level. The Health Connector correctly found The Appellant eligible for Health Connector plans. The Appellant then appealed. This was the correct determination and the Appellant's appeal is therefore denied.

## **ORDER**

The appeal is denied. The determination by the Connector is affirmed.

## **NOTIFICATION OF YOUR RIGHT TO APPEAL TO HEALTH AND HUMAN SERVICES OR STATE COURT**

If you disagree with this decision, pursuant to Title 45 of the Code of Federal Regulations, section 155.545, you may seek further review through the United States Department of Health and Human Services within thirty (30) days of receiving this letter. To appeal visit the United States Department of Health and Human Services website, [HealthCare.gov/marketplace-appeals](https://www.healthcare.gov/marketplace-appeals) or write a letter requesting an appeal. Include your name, address and the reason you are requesting the appeal. Fax your appeal to a secure fax line 1-877-369-0130. The mailing address is, Health Insurance Marketplace, Attention Appeals, 465 Industrial Blvd, London, KY 40750-0061. You also have the right to appeal to state court in accordance with Chapter 30A of the Massachusetts General Laws. To do so, you must file a complaint with the Superior Court for the county where you reside, or Suffolk County Superior Court within thirty (30) days of receiving this letter.

Hearing Officer

Cc: Connector Appeals Unit

**ADDENDUM**

The Appellant is urged to contact the Health Connector Customer Service when he leaves his job and moves back to Massachusetts to inform Customer Service about his change in income.