

AFFORDABLE CARE ACT SUBSIDY NOTICES TO APPEAL...OR NOT TO APPEAL?

Scenario 1:

John Doe worked 25 hours per week and his employer did not offer him health coverage. On his marketplace coverage application John stated he was a full-time employee and was not offered health coverage by his employer. John received an advanced premium tax credit.

Appeal! This subsidy notice should be appealed because the Affordable Care Act does not require employers to offer health coverage to employees who are not full-time (working on average at least 30 hours or more per week).

Scenario 2:

Judy Smith worked 40 hours per week. Judy was offered health coverage by her employer but she declined the offer (waived) of coverage. On her marketplace coverage application Judy stated she was not offered health coverage by her employer. Judy received an advanced premium tax credit.

Appeal! This subsidy notice should be appealed because Judy was offered employer-sponsored health coverage.

Scenario 3:

Becky Smith worked 20 hours per week. Becky was not offered health coverage by her employer. On her marketplace coverage application Becky stated she was not offered health coverage by her employer and she was not a full-time employee. Becky received an advanced premium tax credit.

Do not appeal! This subsidy notice should not be appealed. Becky provided accurate information on her marketplace application. Because she was not a full-time employee, she does not subject her employer to the employer shared responsibility payment for failure to offer coverage.