

July 5, 2016

Marketplace Appeal Letters Being Sent to Employers

Our professional association is reporting that some employers are receiving letters from the Health Insurance Marketplace indicating that a person listed in the letter submitted an application for health coverage through the Marketplace and that the employee was found eligible for an advanced premium tax credit. The letter serves as a notification that the company "may" have to pay an employer shared responsibility payment.

Employers that get this notice from the Marketplace can file an appeal if they believe:

- Coverage was offered to the employee eligible for the health plan and was
- Affordable and
- Meets minimum value standards

The letter gives the opportunity for the employer to file an appeal to the Marketplace if the employer believes there has been a mistake regarding the employee's eligibility for an advance premium tax credit. The letters give 90 days from the date of the notice to request an appeal from the Marketplace and a website to obtain the appeal form.

Small employers not even subject to the employer shared responsibility rules (employers with 50 or more full-time equivalents are subject to the employer shared responsibility rules) will get these letters, but do not need to file appeals, according to the Marketplace representatives.

For employees who were offered affordable, minimum value coverage by their employer but have generated a notice of eligibility for the advanced premium tax credit, an appeal form must be filed for each employee.

An employee who is offered coverage that is both affordable and meets the minimum value standard is not eligible for the premium tax credit and may have to make repayment to the IRS if the applicable tax credit was applied for and received. In other situations, the employees have not been eligible as their average hours during the measurement period were too low. Appeal forms in either case will need to be filed.

You can review the information on the employer appeal process, and the Employer Appeal Request Form and Instructions by going to

[HealthCare.gov/marketplace-appeals/employer-appeals](https://www.healthcare.gov/marketplace-appeals/employer-appeals).

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