



Handling of Marketplace Notices

Many employers have begun receiving [Health Insurance Marketplace notices](#). These letters state that a particular employee reported that he or she wasn't offered affordable minimum value coverage for an identified period of time by the employer. Given this information self-reported information, the Marketplace determined the employee to be eligible for subsidized Marketplace coverage. This means, if the employer is an "applicable large employer" (organizations with 50 or more full-time employees or equivalents during the prior year) for purposes of the Affordable Care Act's employer shared responsibility penalties, the employer may be subject to penalties with respect to that employee.

If notice(s) are received, an employer should review internal files to determine if the employee received an offer of [affordable coverage](#) that provides [minimum value](#) under the employer's health plan. If not, the employer has no basis to appeal the letter. If the employee did receive an offer, the employer may appeal the marketplace's determination. The employer has **only 90 days** from the date of the notice to appeal the Marketplace notice and may do so by using the [appeal form](#) available from the HealthCare.gov website (which may be mailed or faxed to the Marketplace appeals unit) or by sending a letter with the information specified in the notice. Faxing the appeal (to the fax number provided in the letter) may result in a faster response regarding the employer's appeal according to an appeals unit representative.

If the marketplace reverses its determination, the employee will be notified. The employee will be asked to update the marketplace application, and informed of the possibility of tax liability if the application is not updated.

More information about the appeal process can be found on the [How to Appeal a Marketplace Decision](#) webpage at Healthcare.gov.



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There has been issues as to where this notice maybe sent. The address being used is the address given by the employee, so if there are multiple locations for an organization, it's not uncommon that the notice might go to an address that is not the preferred address for HR. And there's the added element that the notices are new, so employers aren't sure what they're for. It is important that if an employer has multiple sites, that they communicate with their site contacts to be on the watch for these notices and forward immediately as a non-timely response or no response will potentially cost the employer money.