

## **DC Health Link SHOP Employer Appeal Rights**

If you do not agree with our decision about whether or not you are an eligible employer, you have a right to appeal our decision and receive a Fair Hearing. Employers have the right to appeal a denial of eligibility, the failure of DC Health Benefit Exchange (HBX) to provide a timely eligibility determination, or the failure of the DC HBX to provide a timely notice of an eligibility determination.

You have 90 days from the date of the eligibility notice to request an appeal. If you do not appeal within 90 days, you may lose your appeal right.

### **How to Request an Appeal**

You may appeal through any of the following methods:

- Calling DC Health Link Customer Service toll free at 1-855-532-5465
- Completing a SHOP Request for Hearing Form, available at [DCHealthLink.com/Forms](http://DCHealthLink.com/Forms)
  - Can be mailed, faxed, or e-mailed
- Going to the Office of Administrative Hearings Resource Center, located at 441 4<sup>th</sup> Street, NW, Suite 450-North, Washington, DC 20001, where you can fill out a Request for Hearing form.

### **What Happens When You Appeal**

Once your appeal is received, it simultaneously triggers both an informal and formal review process.

**Informal Review** – You may be contacted by a staff member within HBX to review your eligibility and enrollment history with the intent of exploring whether your appeal can be resolved short of a formal hearing. Engaging in this informal review is optional both for you and for HBX.

**Formal Hearing** - You will be scheduled for a Fair Hearing before an Administrative Law Judge. The Fair Hearing will take place at the DC Office of Administrative Hearings (OAH) at 441 4<sup>th</sup> Street, NW, Suite 450-North, Washington, DC 20001. OAH will contact you and tell you when and where your Fair Hearing will take place. OAH will send you a scheduling order, including the time and date of your Fair Hearing.

At the Fair Hearing, you can testify, have others testify for you, and submit documents. At the hearing, HBX representatives will also ask questions of you and other people who testify. HBX representatives will also be permitted to present testimony and documents. You will be able to ask questions of the HBX representative. After completion of the Fair Hearing, the

Administrative Law Judge will make a decision in writing and sent it to you and HBX. The decision will also tell you what you can do if you do not agree with the decision.

**Any decisions by OAH about your employer's eligibility for benefits might also change the eligibility of your employees and their dependents.**

### **Ending your Appeal Early**

You may withdraw your request for a Fair Hearing at any time before the Administrative Law Judge makes a final written decision. This includes before the hearing, potentially as a result of your informal resolution with HBX. To withdraw your request for a Fair Hearing, you must send a written withdrawal request, including your name and case number, to the Office of Administrative Hearings by e-mail ([oah.filing@dc.gov](mailto:oah.filing@dc.gov)) or regular mail (441 4<sup>th</sup> Street NW, Suite 450-North). Please also send a copy of this request to HBX at [SHOP.Appeals@dc.gov](mailto:SHOP.Appeals@dc.gov).

If you withdraw your request for a Fair Hearing because HBX has promised to change its decision, we will implement new HBX decision. **If you stop your appeal before the agency as changed its decision, the eligible determination will be implemented as it is written in the notice you first received before you filed your appeal.**