



Ronald Young &lt;ronaldeyoung974@gmail.com&gt;

## Penalties against employers / employees for not buying insurance is part of ME

4 messages

Sun, Jun 2, 2013 at 9:50 AM

John &lt;jbmcavoy@iflyez.com&gt;

To: "RonaldEYoung974@gmail.com" &lt;RonaldEYoung974@gmail.com&gt;

Cc: Caroline Lahrmann &lt;Calnwal@aol.com&gt;, Tom Zawistowski &lt;TomZ@trzcom.com&gt;, "ted.stevenot@ohiolibertycoalition.org" &lt;ted.stevenot@ohiolibertycoalition.org&gt;, Maurice Thompson &lt;mthompson@ohioconstitution.org&gt;, Chris Littleton &lt;chris.littleton@ohiolibertycouncil.org&gt;, Alan Witten &lt;aewitten@yahoo.com&gt;

Ron, et al;

Ron, can you contact CATO and ask them about this?

This question is for the lawyers and Micheal Cannon from CATO.

I'm researching article for HB-91 and this question keeps coming up.

We hear about penalties for employers and individuals not buying insurance.

In my reading of the PPACA it seems like these penalties are implemented as part of the strings attached when accepting Medicaid Expansion money..

If this is true, then

- 1) If Ohio does NOT accept ME money, then the Obamacare penalties cannot be levied against business or individuals for not providing insurance..
- 2) If Gov Kasich and Rep Sears accept ME money, then they are responsible for placing these penalties on the business and individuals.

IS THIS TRUE??

John

Sun, Jun 2, 2013 at 9:36 PM

Alan Witten &lt;aewitten@yahoo.com&gt;

Reply-To: Alan Witten &lt;aewitten@yahoo.com&gt;

To: John &lt;jbmcavoy@iflyez.com&gt;, "RonaldEYoung974@gmail.com" &lt;RonaldEYoung974@gmail.com&gt;

Cc: Caroline Lahrmann &lt;Calnwal@aol.com&gt;, Tom Zawistowski &lt;TomZ@trzcom.com&gt;, "ted.stevenot@ohiolibertycoalition.org" &lt;ted.stevenot@ohiolibertycoalition.org&gt;, Maurice Thompson &lt;mthompson@ohioconstitution.org&gt;, Chris Littleton &lt;chris.littleton@ohiolibertycouncil.org&gt;

John,

I think this is the issue you are asking about. [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2106789](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2106789)  
 There is a federal lawsuit pending - I can't think of the caption - testing the IRS' position. I don't believe it relates to Medicaid expansion but rather to the employer penalties and employee subsidies where there is no state created exchange.

Alan

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**From:** John <jbmcavoy@iflyez.com>  
**To:** "RonaldEYoung974@gmail.com" <RonaldEYoung974@gmail.com>  
**Cc:** 'Caroline Lahrmann' <Calnwal@aol.com>; Tom Zawistowski <TomZ@TRZCom.com>; "ted.stevenot@ohiolibertycoalition.org" <ted.stevenot@ohiolibertycoalition.org>; Maurice Thompson <mthompson@ohioconstitution.org>; 'Chris Littleton' <chris.littleton@ohiolibertycouncil.org>; Alan Witten <aewitten@yahoo.com>  
**Sent:** Sunday, June 2, 2013 9:50 AM  
**Subject:** Penalties against employers / employees for not buying insurance is part of ME

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Sun, Jun 2, 2013 at 10:41 PM

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**John** <jbmcavoy@iflyez.com>  
**To:** Alan Witten <aewitten@yahoo.com>  
**Cc:** "RonaldEYoung974@gmail.com" <RonaldEYoung974@gmail.com>, Caroline Lahrmann <Calnwal@aol.com>, Tom Zawistowski <TomZ@trzcom.com>, "ted.stevenot@ohiolibertycoalition.org" <ted.stevenot@ohiolibertycoalition.org>, Maurice Thompson <mthompson@ohioconstitution.org>, Chris Littleton <chris.littleton@ohiolibertycouncil.org>

Alan, it seemed to be addressing how the IRS was interpreting how credits are passed onto individuals. These were supposed to be passed on via the "State run exchanges" and there is no provision to pass these on if the state doesn't set up an exchange, more specifically, the law does not address the credits via a Federal Exchange. An interesting observation I made while reading; How can a business or individual be penalized for not having insurance thru the exchange, if the exchange doesn't exist?

As for HB91, What I was looking for, what are the specific "penalties" that are attached to ME, I see in the CATO "50 Vetoes" paper, Mr Cannon talks about the Employer mandate and individual mandate are penalties that are part of ME, but from my early days, that was not my impression.

John

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**Ron Young** <ronaldeyoung974@gmail.com>

Mon, Jun 3, 2013 at 2:32 PM

To: John &lt;jbmcavoy@iflyez.com&gt;

John,

You are correct according to the actual language of the ACA the subsidies (credits as you call them) are only supposed to be available on the state exchanges. The language of the ACA only mentions the subsidies in reference to the state exchanges, never in reference to the federal exchanges. Therefore you would think the subsidies could only flow through state exchanges. However, the IRS has made a final ruling stating that the subsidies will be offered on the federal exchanges. The IRS claims the lack of language in reference to subsidies on federal exchanges is just a drafting error and should be ignored. Oklahoma has challenged this ruling. However, the IRS claims the state does not have standing. The case is still being considered and CATO feels that OK has a strong case. This case is what prompted CATO (Michael Cannon) to develop the concept of HB91 that is on even stronger legal ground than the OK challenge. By the way we are making good progress on HB91, if you want an update please call me at 440-487-8526.

Ron

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