

Elder Law NEWS

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This Tax Season, Seniors Can Get Free Assistance

When it comes to filing your 2022 federal tax return for the 2023 tax season, you may be able to access several forms of assistance for free.

Filing Online: [IRS Free File](#)

In January 2023, the Internal Revenue Service (IRS)'s Free File service opened to taxpayers. Through IRS Free File, you can prepare and file your federal individual tax online — at no cost to you.

The service is made possible by volunteers and enables you to file your taxes from your computer, smartphone, or tablet.

The product options available to you may vary based on such factors as your gross income, location, and number of dependents:





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- If you are a taxpayer who made \$73,000 or less in 2022, you may qualify for [IRS Free File Guided Tax Preparation](#). This service assists you in preparing as well as filing your federal income tax return through an IRS partner site for free.
- Taxpayers who made more than \$73,000 in 2022 may be interested in taking advantage of the [IRS' Free File Fillable Forms](#). These are digital federal tax forms that you can complete, sign, and file online at no cost

DO I NEED TO APPLY FOR FREE FILE?

You do not need to apply for Free File. Simply visit the [IRS's Free File Lookup Tool](#) and answer a series of questions to find out what product(s) you may be eligible to use.

Learn more about each service on the [IRS website](#).

In-Person Support: Saturday Walk-In Hours

For those who would prefer in-person help, the IRS will now also be offering [special Saturday hours](#) to aid taxpayers at locations across the country.

There is no need to schedule an appointment for these special hours; you can walk in to speak directly with an IRS employee.



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WHEN WILL SPECIAL IRS SATURDAY HOURS BE HELD?

Special Saturday hours will be from 9 a.m. to 4 p.m. in many states — as well as Washington, D.C., and Puerto Rico — on the following dates:

- Saturday, February 11, 2023
- Saturday, March 11, 2023
- Saturday, April 8, 2023
- Saturday, May 13, 2023

Prior to visiting an [IRS office](#) offering this service, be sure to double-check the IRS website for details regarding its Saturday hours.

“These walk-in locations are critical, and funding from the Inflation Reduction Act is allowing us to add more employees across the nation to better assist taxpayers this filing season and beyond,” Acting IRS Commissioner Doug O’Connell said in an IRS news release. “These special Saturday hours will help people get the services they need.”



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[Find more information](#) about locations offering special Saturday hours, what to expect during your visit, what documents you will need to bring, and more.

Volunteer Income Tax Assistance (VITA) Program

In addition, the IRS provides free assistance in tax return preparation for seniors, people with disabilities, taxpayers with annual income below \$58,000, and taxpayers who are not fluent in English. It is called the Volunteer Income Tax Assistance (VITA) Program.

WHERE IS THE VITA PROGRAM AVAILABLE?

You can [find a VITA office near you](#) on the IRS website; search by your ZIP code.

TCE: Free Tax Preparation for Seniors

Seniors can also benefit from the [Tax Counseling for the Elderly \(TCE\) Program](#), which is also free. If you a taxpayer who is aged 60 or older, you can connect throughout tax season with a volunteer who can help you prepare your tax return. [Locate an office](#) with this service near you.



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When Is Tax Season, Exactly?

The 2023 tax season officially began January 23, 2023. This is the date on which the IRS begins processing tax returns from the 2022 tax year. Tax season ends each year in mid-April.

When Are Tax Returns Due for the 2023 Tax Season?

In most cases, you should file your individual income taxes for the 2022 tax year by April 18, 2023. [Extensions](#) are available in certain circumstances. If you request an extension, your deadline for filing is October 16, 2023.

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Can I Have Both Employer Insurance and Medicare?

When signing up for Medicare, some people have other insurance, such as coverage from a current employer, or retiree's or military insurance. Beneficiaries of Original Medicare or Medicare Advantage may keep their additional coverage, as the providers work together to bear health care costs.



Can You Have Medicare and Private Insurance?

People may have Medicare and other insurance simultaneously for several reasons.

- Some Medicare enrollees have retiree health coverage through their (or a spouse's) former employer.
- Others remain in the workforce past 65 and are on employer-backed insurance or are enrolled in their working spouses' insurance.
- Younger people with disabilities can receive Medicare coverage while also on their employer's insurance.



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- Active and retired service members and their families can get health coverage through Tricare while also enrolled in Medicare.
- Qualifying individuals with limited income and resources can obtain Medicare and Medicaid coverage at the same time. This is called being dually eligible.

Allocating Coverage

People with more than one insurance provider may receive more coverage, as the providers allocate costs. Depending on the situation, Medicare might be the primary payer, or the other insurance provider may act as the principal insurer. Once the primary payer has covered the maximum amount, the secondary payer contributes to the remaining costs. Each insurance source will determine what and how much coverage it provides for services and treatments.

Though the coverage can be greater with multiple providers, you may be responsible for outstanding fees that neither program fully includes.

For those with two insurance providers, the [“Medicare & You” handbook](#) as well as the guide to [“Who Pays First”](#) (both in PDF format) explain the protocol that determines which provider is the primary payer.



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In general, Medicare pays first when people have retiree health coverage or receive coverage from a smaller organization. An employer's coverage typically takes precedence when it originates from current employment at a larger organization.

- Covering costs first, Medicare is the primary insurance for those who also have retiree health coverage.
- Medicare is also the first insurer for older adults with current employer health coverage when the company has less than 20 employees.
- It is also the primary payer for younger people with disabilities with current employer coverage from establishments with fewer than 100 workers.

In other instances, Medicare is the secondary payer.

- The employer's insurance pays first for those who receive insurance because they or their spouse currently works at a larger business (more than 20 employees). Then Medicare covers the remaining costs.
- For disabled people with coverage based on their or their family member's current employment at a larger organization (more than 100 employees), the employer's insurance is the primary payer.



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- Tricare is the primary insurer for individuals on active duty or those receiving care in a military hospital, clinic, or federal health care provider. Others on Tricare get Medicare coverage first.

How Medicare and Medicaid Work Together

Those who qualify for Medicare as well as Medicaid can receive assistance from both programs. When people benefit from both programs, Medicare is the primary payer. If both Medicare and Medicaid cover the same service or treatment, Medicare pays first, and Medicaid contributes to any remaining costs.

Sometimes, Medicaid will pay for expenditures that Medicare does not cover. Medicare Part A bears hospital fees, [Part B](#) extends to outpatient medical costs, and Part D applies to prescription drugs. However, Medicare generally does not take care of nursing home expenses, which Medicaid can cover.

Speak to an [elder law attorney](#) to learn how having other insurance coverage affects Medicare.

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Additional Reading

[Should I Enroll in Medicare If I'm Still Working?](#)

[Questions to Ask When Enrolling in Medicare](#) (PDF)

Can I Have Both Employer Insurance and Medicare?

Do you need the assistance of an attorney to file for [Social Security Disability Insurance \(SSDI\)](#) benefits?

For completing the initial application, the short answer is probably “no.” Note, however, that people who get professional help with their applications are [23 percent more likely to succeed](#).

If your application is denied and you need to have a hearing, you would be well advised to be represented by an [attorney or another qualified professional](#).





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How to Apply for SSDI

The application process is fairly simple. You can apply for SSDI in any of the following ways:

- Using the Social Security Administration's (SSA's) [online application](#)
- Calling the SSA at 1-800-772-1213. (People who are deaf or hard of hearing can use the 1-800-325-0778 phone number.)
- Making an appointment to visit your local Social Security office (Find your local office on the [SSA website](#).)

The SSA recommends that applicants assemble a host of information prior to applying. However, if it is going to take you time to get your hands on some of the documents, it may be better to apply and then obtain the required information.

Note that the SSA initially rejects approximately 70 percent of disability applications, and many applicants give up at this point — this is a mistake.

If taken through the appeals process, claims have a fairly high chance of being



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approved. But having professional assistance in this process will up your chances of success and is strongly advised.

The SSDI Appeal Process

If your initial claim is rejected, the first step in the appeal process is to file a Reconsideration Appeal within 60 days.

Most requests for reconsideration are denied, but the request can be done without an attorney if you are certain of your ability to fill out forms correctly.

However, if your initial application has been rejected, you should consult with an attorney so that you have one already lined up after what will likely be a rejection of reconsideration. (Note that just 8 percent of those individuals who enter the first round of appeals are successful.)

You have 60 days following the reconsideration rejection to file a request for a hearing before an administrative law judge, where you will then plead your case. You should have an attorney or other qualified representative in your corner before filing that request.



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How Much Does an Attorney Cost?

By law, Social Security Disability attorneys or non-attorney disability representatives cannot charge an upfront fee for their services; they receive 25 percent of a claimant's back payment, and this is paid only if the case is won. Representatives may, however, charge fees for things like copying medical records.

“It is really just foolish to go unrepresented” at the hearing, says Tim Moore, a disability claimant's representative who created the invaluable Social Security Disability Resource Center website. “Statistics show that those who have an attorney are far more likely to be approved for benefits than those who choose to represent themselves,” Moore states [on his site](#).

In addition, Moore notes, an attorney may be able to speed up the scheduling of your case before an administrative law judge, or even eliminate the need for a hearing altogether.



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Looking for Help at the Start of the Process?

Bringing in a professional even before filing your initial claim might be the right choice if:

- you think you might not start the process without help;
- you may have trouble meeting the SSA's very tight and strict deadlines; or
- you want to make sure your paperwork is completed correctly.

Whatever you do, do not delay. Failing to file a timely appeal could ruin your chances of obtaining retroactive disability benefits that you might otherwise have been entitled to receive based on the date of your initial application.

Find a qualified [elder law attorney](#) near you.