

# How to Appeal a Higher Part B or Part D Premium

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# What is IRMAA?

If your income is above a certain level, you may have to pay an Income-Related Monthly Adjustment Amount (IRMAA) in addition to your Part B premium and/or Part D premium.

The Social Security Administration (SSA) determines if you owe an IRMAA based on the income you reported on your IRS tax return two years prior, meaning two years before the year when you pay the IRMAA. For example, Social Security would use tax returns from 2016 to determine your IRMAA in 2018. If you are unsure why you are paying an IRMAA, you can call the Social Security hotline.



**Social Security Hotline**

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800-772-1213



# The IRMAA Decision

If Social Security determines that you should pay an IRMAA, they will mail you a notice called an initial determination. This notice should include information on how to request a new initial determination. A new initial determination is a revised decision that Social Security makes regarding your IRMAA. You can request that Social Security revisit its decision if you have experienced a life-changing event that caused an income decrease, or if you think the income information Social Security used to determine your IRMAA was incorrect or outdated.

## **Social Security considers any of the following situations to be life-changing events:**

- The death of a spouse
- Marriage
- Divorce or annulment
- You or your spouse stopping work or reducing the number of hours you work
- Involuntary loss of income-producing property due to a natural disaster, disease, fraud, or other circumstances
- Loss of pension
- Receipt of settlement payment from a current or former employer due to the employer's closure or bankruptcy

You can make the case that Social Security used outdated or incorrect information when calculating your IRMAA if, for example, you:

- Filed an amended tax return with the IRS
- Have a more recent tax return that shows you are receiving a lower income than previously reported

To request a new initial determination, submit a Medicare IRMAA Life-Changing Event form or schedule an appointment with Social Security. You will need to provide documentation of either your correct income or of the life-changing event that caused your income to decrease.



# Appealing the IRMAA Decision

If you do not qualify to request a new initial determination, but you still disagree with Social Security's IRMAA decision, you have the right to appeal. Appealing an IRMAA decision is also referred to as requesting a reconsideration. There are four potential phases of this process:

- 1.** Complete a request to Social Security for reconsideration. Contact Social Security (800-772-1213) to learn how to file this request.
- 2.** If your reconsideration is successful, your premium amounts will be corrected. If your reconsideration is denied, you can appeal to the Office of Medicare Hearings and Appeals (OMHA) level within 60 days of the date on the reconsideration denial. Follow the directions on the denial to file an appeal at the OMHA level. If you decide to appeal at the OMHA level, you may wish to contact a legal services organization or lawyer to help you with this or any further levels of appeal, but this is not required.
- 3.** If your OMHA level appeal is successful, your premium amount will be corrected. If your appeal is denied, you can choose to appeal to the Council within 60 days of the date on the OMHA level denial.
- 4.** If your Council appeal is successful, your Part B premium amount will be corrected. If the Council denies your appeal, you can choose to appeal to the Federal District Court within 60 days of the date on the Council denial.

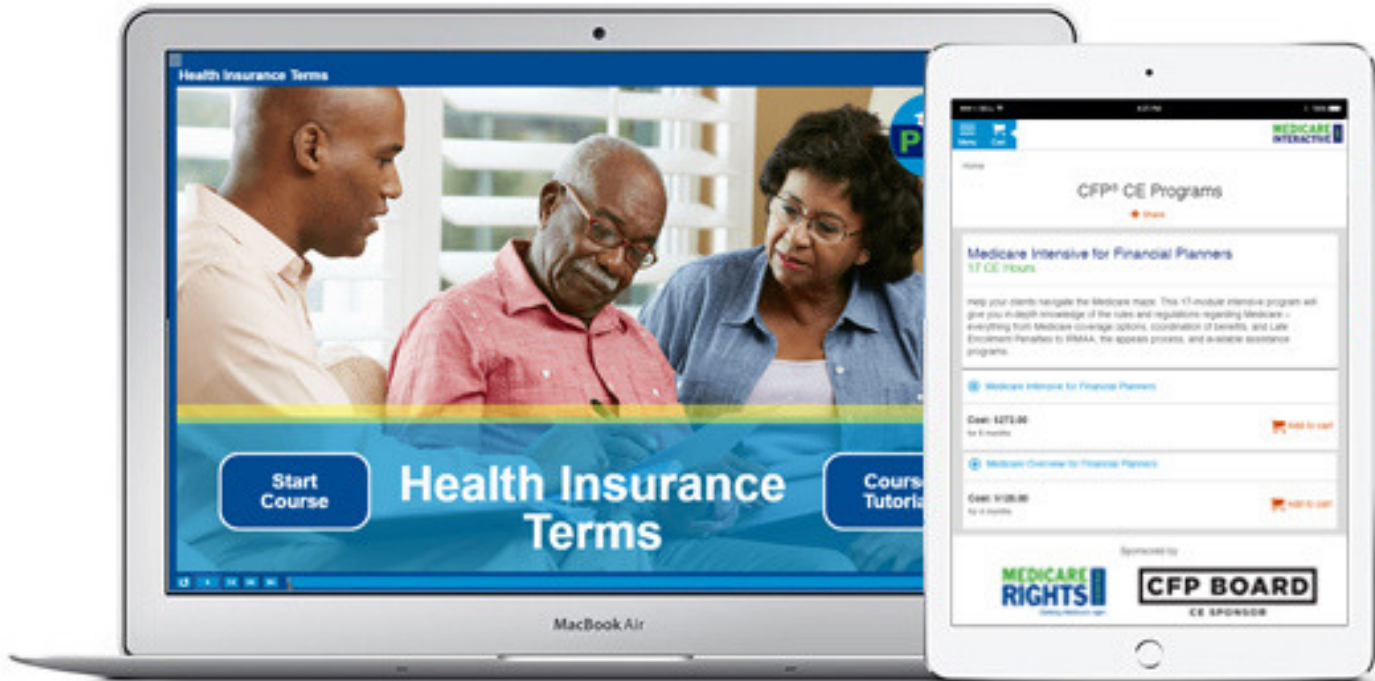
**Note:** You must submit any new evidence within 10 days of filing your OMHA level appeal. Contact OMHA for further instructions on submitting. You can ask OMHA for an extension if you are unable to submit new evidence within 10 days.



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