



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

OFFICE OF THE CHIEF COUNSEL

July 27, 2021

Number: **2021-0021**
Release Date: 9/24/2021

GENIN-114566-21

CC:EEE:EB:QP4:

UIL: 72.20-00

Dear :

I apologize for the delay responding to your inquiry dated December 12, 2020. You asked if you could access your individual retirement arrangement (IRA) without penalty because of a disability.

I'm sorry to hear about your personal hardship. However, the IRS doesn't have the authority to waive the additional tax on early distributions.

Under Section 72(t) of the Internal Revenue Code, a 10% additional tax applies to the taxable amount of a distribution from a tax-favored retirement plan, including an IRA, unless the recipient is at least age 59½ or meets another exception. Some exception examples are certain medical expenses and certain annuity payments. Recent laws passed in response to disasters also exempt certain retirement account distributions from the additional tax.

Publication 590-B, Distributions from Individual Retirement Arrangements (IRAs), describes these and other exceptions. You can find Publication 590-B on our website, www.irs.gov.

I hope this information is helpful. If you have any questions, please call me at

Sincerely,

Neil Sandhu
Senior Technician Reviewer
Qualified Plans Branch 1
Office of Associate Chief Counsel
(Employee Benefits, Exempt Organizations,
and Employment Taxes)