

When should I seek help from the Taxpayer Advocate Service?

Before seeking help from the Taxpayer Advocate Service (TAS), you or your representative should first try to resolve your problem by working directly with the IRS.



If you're having financial difficulties or the IRS is unresponsive, taking too long to resolve your problem, or is threatening action that will harm you or your family, TAS may be able to help. You can contact TAS by calling our toll-free number at 1-877-ASK-TAS1 (1-877-275-8271).

Can anyone else help me?

Depending on your income, you may be eligible for help from a Low Income Taxpayer Clinic (LITC). These clinics are independent from the IRS. Some provide professional representation before the IRS or in court on collection disputes and other issues for free or for a small fee.



To get more information or find a clinic near you, visit www.irs.gov/litc or IRS Publication 4134, *Low Income Taxpayer Clinic List*. You can get this publication at www.irs.gov, at your local IRS office, or by calling 1-800-829-3676.

Where can I get more information?

For more information on the programs and options in this brochure, visit www.taxpayeradvocate.irs.gov/Individuals/Federal-Payment-Levy-Program for videos, publications, and other resources.



The Taxpayer Advocate Service (TAS) is your voice at the IRS. Our job is to ensure that every taxpayer is treated fairly and that you know and understand your rights.

www.TaxpayerAdvocate.irs.gov

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WHAT YOU
NEED
KNOW to

The Federal Levy Payment Program
as it applies to your Social Security benefits



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What should I do if I'm subject to a levy?

The first step is to determine if you owe the tax. Some possibilities for relief from your federal tax debt include:

Audit Reconsideration

You may not have responded to an earlier IRS notice and the IRS may have assessed the liability based on certain assumptions. You may be able to ask the IRS to reconsider the assessment. (see Publication 3598, *What You Should Know About the Audit Reconsideration Process*)

Innocent Spouse Relief

Generally, both you and your spouse are each responsible for paying the full amount of any tax, interest, and penalties due on your joint return. However, if you qualify for innocent spouse relief, you may be relieved of those amounts of your spouse (or former spouse) that were incorrectly reported on the joint return. (see Publication 971, *Innocent Spouse Relief*)

The worst thing you can do is nothing at all.

What is a levy on Social Security benefits?

All taxpayers with outstanding tax debts are subject to a levy on assets and income sources, including Social Security benefits. There are two ways the IRS may levy upon your Social Security benefits – via the automated Federal Payment Levy Program (FPLP) or by a manual (non-FPLP) levy.

Under the FPLP, the IRS is able to levy up to 15 percent of your Social Security benefits each month; there is no similar restriction on how much the IRS can receive from manual levies. There is an exemption amount, however, for reasonable living expenses. Once a levy is in place, the IRS may withhold monies from the federal payments you receive. This levy may continue until the entire amount of your federal tax debt is repaid or other payment arrangements are made, or the debt becomes unenforceable by law.

Social Security payments the IRS levies

- Retirement
- Survivors
- Disability Insurance

Social Security payments the IRS does not levy

- Children's benefits
- Supplemental Security Income
- Lump sum death benefits

Will I be subject to a levy?

If you are subject to the levy, you will receive a notice from the IRS. If you do not pay the tax or contact the IRS within 30 days of the date of the notice, the IRS is allowed to levy on your Social Security benefits. Once your payments are levied, you will receive a notice indicating the amount of the levy. If you have an outstanding tax liability, you can take steps now to prevent having your payments levied.

What if I can't pay the amount I owe in full?

The next step is to determine if you are able to pay all or part of the tax you owe. It is important that you call the IRS immediately. If the IRS determines that you cannot pay any of your tax debt due to an economic hardship, the IRS may temporarily delay collection until your financial condition improves. Please be prepared to provide your monthly income and expenses so the IRS can help you resolve your tax matter.

If you are unable to pay your liability in full, you may want to consider one of the following collection alternatives:

- Enter into a monthly installment agreement;
- Enter into an Offer in Compromise; or
- Request to be classified as currently not collectible. Being currently not collectible does not mean the debt goes away. It means that the IRS has determined you cannot afford to pay the debt at this time. Penalties and interest will continue to be added to the debt.

For more information on these collection alternatives, refer to Publication 594, *The IRS Collection Process*.

What if you are a guardian or conservator for a taxpayer?

If you are a guardian or conservator, you will need a Power of Attorney before the IRS can talk to you about tax problems and make any payment arrangements. A Power of Attorney can be obtained by completing Form 2848, *Power of Attorney and Declaration of Representative*. If the taxpayer is incapacitated, you may still complete a Form 2848; however, you will need to attach the legal documentation that allows you to act on the taxpayer's behalf.