TO BE SHARED WITH EVERYONE

55+ Benefits and Your Rights

Human Developed · AI Created · Human Edited: Complete
Last Updated: October 2026

JOYNR
find your people. get back to work.

JOYNR

55+ Benefits and Your Rights

Severance, health insurance, retirement accounts and your legal rights

find your people.
get back to work.

How to use this guide

This guide covers severance, health insurance, retirement accounts and your legal rights, for people 55 and older who are out of work.

The first section has the deadlines. Start there, because some of them cannot be reopened once they pass.

Everything else has the detail, for when you want to dig in.

Finding work is a separate guide, **The 55+ Job Search**, at joynr.co/g/55plus.

Every number here has its source at the back.

This guide is information, not advice

This guide is general information only. Joynr is not a law firm, an accountant or a financial advisor, and nothing here creates an attorney-client or advisory relationship.

It does not replace advice about your own situation. Your case turns on your state, your dates and the exact wording of your agreement, and a guide cannot see any of those.

Where a decision carries money or a deadline, talk to a licensed attorney or advisor before you act. Your state bar's lawyer referral service is the cheapest way to start.

THE CLOCKS, IN THE ORDER THEY RUN OUT

Six deadlines, soonest first. Each box says what starts its clock, because they do not all start when your job ends. The one people miss is the 30-day window on a spouse's plan, because they are watching the 60-day one.

⚠ The week you separate: unemployment

File the week you separate, even if severance is coming and even if you think severance disqualifies you.

Filing sets your benefit year and your base period. Waiting can permanently lower your weekly amount.

See UNEMPLOYMENT.

⚠ 21 or 45 days: the severance agreement

You get 21 days to consider your severance agreement if you were the only one let go. That increases to a total of 45 days if two or more were let go.

Then 7 more days to change your mind after you sign, and nobody can take those 7 days away from you.

See THE SEVERANCE AGREEMENT.

⚠ 30 days: your spouse's health plan

If your husband or wife has coverage through work, losing yours opens a 30-day window to join theirs.

Their plan is usually the cheapest coverage available to you, and this window closes a month before the COBRA one.

Call their HR department as soon as you know. See HEALTH COVERAGE.

⚠ 60 days: COBRA or the Marketplace

You get 60 days from losing coverage to pick one. After that you are mostly stuck with the choice until it runs out.

See HEALTH COVERAGE.

⚠ 180 days: an age discrimination charge

If you think your age was the reason, the deadline is generally 180 days from the day you were told. Count from the notice, rather than your last day worked.

Missing it can end the federal claim. See IF YOU THINK IT WAS YOUR AGE.

⚠ December 15: health insurance for next year

Open enrollment for 2027 coverage runs November 1 through December 15, 2026.

The January 15 date you may remember is gone. See THE SUBSIDY CLIFF IS BACK.

THE SEVERANCE AGREEMENT

Federal law sets rules for what a severance agreement has to contain before you can sign away an age discrimination claim. Those rules are in your favor and worth reading closely.

Take the full time. Signing early is your option, not theirs.

You can sign before the 21 or 45 days are up if you want to.

If the employer changes something important during that period, the clock starts over unless you agree otherwise.

And the 7-day window to revoke after signing cannot be shortened or waived by anyone, for any reason.

What the agreement has to do

Be written so you can understand it, without the jargon.

Name the Age Discrimination in Employment Act specifically. A general release of "all claims" is not enough.

Give you something extra. Money you were already owed does not count as payment for the release.

Tell you in writing to talk to a lawyer before you sign.

What it cannot do

A release covers what already happened. Anything that happens after you sign is still yours to act on.

You can still file a charge with the EEOC, talk to them, or help their investigation after you have signed. If your agreement says you gave that up, that part of it does not hold.

Clauses making you return the money before challenging it, or pay the employer's legal fees for filing, are improper in an age release.

Who has to prove it was fair

The employer does. If there is a fight over whether you signed knowingly and voluntarily, the employer has to prove you did. You do not have to prove you did not.

THE LIST, AND WHAT TO DO WHEN THEY WILL NOT GIVE IT TO YOU

Say two or more people are let go in the same action and offered severance. The law calls that a program. A program comes with a disclosure.

What they have to hand you, in writing

The group the decision was made from. Employers call it the decisional unit, and it might be a site, a department or a job family.

Who was eligible, and any time limits on the offer.

The job titles and ages of everyone selected. The ages of everyone in the same job or unit who was not selected.

All of it at the start of your 45 days, without you asking.

Ages by the year, one person at a time

The regulation says age ranges wider than one year do not satisfy the requirement.

A chart reading "ages 40 to 49: twelve people" does not meet the rule.

The people who stayed are the comparison

A list covering only the people terminated is incomplete.

Names are not required. Ask for titles and ages, which is what the regulation requires them to give you.

One member asked for the list and was told they were not providing it

This happens. The law requires the disclosure. Nothing we found gives you a way to force it out of them before you sign, and no EEOC case has been brought over a missing one.

Federal courts have refused to enforce the part of a release that blocks age claims, where the disclosure was wrong or never given.

Whether that applies to your agreement is something a court decides. A refusal is not the end of the matter.

Put the request in writing, and date it

Ask four things. Is this a group program under the Older Workers Benefit Protection Act. Which group of employees was considered. What the eligibility factors were. And the job titles and ages of everyone selected and not selected, listed by individual year of age.

Ask them to confirm the date your consideration period started.

Send it so you can prove delivery. Keep the unsigned agreement and everything else.

Why the paper matters

The employer carries the burden of proving your release was knowing and voluntary. A dated request, and whatever they send back, becomes part of the record an investigator or a judge reads later. Silence counts as an answer here.

Courts have not said a written request changes the outcome.

You keep the money while you fight

You are not required to return severance before challenging the release or filing a charge, and keeping it does not count as agreeing to it.

If you were to win later, a court can offset what you already received.

A tender-back clause is a warning sign

Some agreements say you must give the money back before you can sue. Some say you pay the company's legal fees if you file.

The federal rule says neither one belongs in an age release.

If you see one, get the whole agreement read by a lawyer before you sign anything.

What one hour of an employment lawyer costs

Clio's 2025 rate survey puts the average hourly rate for employment and labor work at $387. That is billing data from one software company, rather than a government figure.

Before paying that, call your state bar's lawyer referral service. Several offer a first consultation at a low fixed price. The Florida Bar caps its own at $25 for half an hour.

One hour is usually enough for a lawyer to read a severance agreement and tell you what you are signing.

HEALTH COVERAGE

Health coverage is usually the biggest cost in a layoff, and the 60-day decision is close to permanent. Read this section before you decide anything.

⚠ 60 days to choose, and the choice is hard to change

You have 60 days from losing coverage to choose between COBRA and a Marketplace plan.

Marketplace plans and prices for your state are at healthcare.gov.

You can still move to a Marketplace plan after you elect COBRA, as long as you are inside those 60 days. The 60 days runs from the day your job coverage ended, whatever date you elected COBRA.

After that, dropping COBRA on your own does not open a Marketplace window. You wait until it runs out, or until open enrollment.

COBRA is retroactive, which can give you about 105 free days

You have 60 days to elect COBRA and then 45 more to make the first payment. Coverage goes back to the day you lost it.

You do not have to elect or pay straight away. If something happens inside that window, elect then and pay then.

Use the time to price everything else.

COBRA, plainly

You keep the exact plan you had, and the deductible you already paid toward this year.

You pay up to 102% of the full cost, which is the employer's share plus yours plus 2%. Expect roughly four to five times the payroll deduction you are used to.

18 months in most cases. Get the actual monthly dollar figure in writing before you decide anything.

Who COBRA covers, and who is exempt

COBRA applies to employers with 20 or more employees, private sector and state and local government alike. Churches and church-related organizations are exempt, and federal employees have a separate program of their own.

If the company folds or drops its health plan entirely, COBRA ends with it. That counts as a loss of coverage and opens a Marketplace window.

Smaller employer? Ask your state about mini-COBRA. Most states have a version and the rules differ a lot.

Your spouse's plan, again

30 days, and it is usually cheaper than everything else here because their employer pays part of it.

This is the deadline people miss. Make the call in week one.

THE SUBSIDY CLIFF IS BACK

The larger tax credits that ran from 2021 through 2025 expired on December 31, 2025 and were not renewed. For 2026 and 2027 the old limit returns.

⚠ Above 400% of the poverty line, the subsidy is zero

Not reduced. Zero. One dollar over the line and you pay the full premium.

On the 2026 poverty guidelines, 400% is about $63,840 for one person and $86,560 for two, in the 48 contiguous states and D.C. Alaska and Hawaii have their own.

Those guidelines govern 2027 coverage. Coverage is always priced against the guidelines published the year before it starts.

That full premium rises with age. A 60-year-old is charged about 2.7 times what a 21-year-old pays for the same plan, and 3 times at 64.

⚠ Your taxable income for the year is a lever

A severance lump sum, a retirement withdrawal and a pension payout all count toward the income the subsidy is measured against.

Contributions to a health savings account or a deductible retirement account reduce it.

Run the numbers before December with a tax professional.

Enrollment for 2027 closes December 15, 2026

Open enrollment runs November 1 to December 15 for 2027 coverage. The January 15 deadline that applied in earlier years is gone.

The monthly sign-up window for lower incomes has not been available since August 25, 2025. Even if an exchange offers one again, enrolling through it would not qualify you for a premium tax credit.

Some state-run exchanges set their own dates. If your state runs its own, check it.

IF YOU ARE 63 OR OLDER

COBRA does not protect you from the Medicare penalty

Medicare does not count COBRA as coverage from a current job, because you are no longer working there.

The clock on your Part B enrollment keeps running while you are on COBRA. The penalty for being late is 10% of the premium for every full year you waited, for the rest of your life.

Sign up during your seven-month window even if COBRA is paying your bills. The window is the three months before your 65th birthday month, that month, and the three after.

Already past 65 and still working when this happened? You get 8 months

If you delayed Part B because you had coverage from a current job, you get an 8-month special enrollment period. It starts the month after the job ends or that coverage ends, whichever comes first.

COBRA does not extend it. Medicare starts the clock when you stop working, even if you take COBRA.

Miss those 8 months and you are back to the late penalty and a wait for coverage.

The second problem with COBRA at 65

Once you are eligible for Medicare, COBRA may pay only a small share and leave you the rest. You pay the COBRA premium and still get the bills.

What the penalty costs

The standard Part B premium is $202.90 a month in 2026.

Two years late is about $40 a month extra, every month, permanently, and it rises as the premium does.

One more thing a severance check does

Medicare sets your premium using your tax return from two years earlier.

A large severance in 2026 can raise your Medicare premium in 2028.

MEDICAID

A lump sum counts in the month you receive it

The regulation says an amount received as a lump sum is counted as income only in the month received. Received, not spent.

A severance payment can put you over the income line for exactly one month, and then stop counting.

The month you receive it in matters. A check dated December 31 and a check dated January 1 count in different months, and in different tax years.

Your savings do not disqualify you, if you are under 65

For the adult group that most 55 to 64 year olds fall into, states are not allowed to apply an asset test.

Only monthly income counts. Your 401(k) and your savings account stay out of it.

At 65, or on disability, the rules change

Then assets do count, and money you kept from a lump sum becomes a countable resource the following month.

⚠ A work requirement starts January 1, 2027, and it has no age exemption

Adults 19 through 64 in the Medicaid adult group will need 80 hours a month of work, school or volunteer time. Earnings of at least 80 times the federal minimum wage also count.

Turning 60 changes nothing here. Any one of these exempts you on its own: being medically frail, caring for a dependent child 13 or under, or a VA disability rated as total. A partial VA rating does not exempt you.

States can ask to delay the start on a good-faith basis, to the end of 2028 at the latest. Ask your state Medicaid office what date applies to you.

⚠ If you have a chronic condition, start the paperwork now

The medically frail exemption is the one most likely to fit somebody in their late fifties or sixties. It is not automatic.

You have to prove it. Ask your state Medicaid office what they need, and start before January.

YOUR RETIREMENT MONEY

Two mistakes in this section cannot be taken back. Both arrive in your first week, on forms somebody hands you on the way out.

The rule of 55: your last employer's plan, without the 10% penalty

If you left your job in or after the calendar year you turn 55, you can take money out of that employer's retirement plan without the 10% early withdrawal penalty.

The calendar year is what counts, not your birthday. Separate on January 2 of the year you turn 55 and you qualify.

The rule reaches only the plan of the employer you just left. Older accounts from earlier jobs stay outside it.

Public safety workers and private sector firefighters get it at 50, or after 25 years of service.

Rolling that money into an IRA ends the exception, permanently

The IRS says it plainly: the exception does not apply to money paid out of an IRA.

Once the money lands in an IRA it is IRA money. We found no way to put it back and get the break again.

If you are 55 to 59 and a half, and there is any chance you need this cash soon, do not sign a rollover form yet.

⚠ Penalty-free is not tax-free

The 10% is an extra tax layered on top of ordinary income tax. Removing the 10% leaves the income tax exactly where it was.

A $40,000 withdrawal is $40,000 of income on your return. The plan will also withhold 20% federally, and 20% withheld is not the same as 20% owed.

⚠ Your plan may not allow partial withdrawals

The law removes a penalty. The right to take money out in pieces comes from the plan document, rather than from the law.

Get the Summary Plan Description and ask the administrator, in writing: after separation, does the plan permit partial or installment distributions, or only a single lump sum?

⚠ A small balance can be pushed out without you

If your balance is under $7,000, the plan can push it out without asking you. Anything over $1,000 goes into an IRA automatically.

That ends the rule of 55 for that money, because once it lands in an IRA it is IRA money. If your balance is under $7,000, ask the administrator in writing whether the plan will push it out and where it would go.

YOUR 401(k) AND YOUR UNEMPLOYMENT CHECK

Living on that money can cut your unemployment check

Federal law makes states cut your unemployment by retirement money from a plan your old employer paid into. Your 401(k) from the job you just left is exactly that.

The same law lets a state subtract the share you paid in yourself, which is why the size of the cut differs by state.

At least one state drops the cut if you paid the early withdrawal penalty. The rule of 55 waives that penalty, so using the tax break can cost you that state's exception.

We confirmed this in Minnesota's statute. Whether your state works the same way is a question for your state agency, and worth asking before you take anything out.

What to do about it

Before you take a dollar out to live on, find your state's rule. On your state unemployment agency's site, search "how other income affects benefits", and search "pension" together with "base period employer".

Ask them directly. They answer this question every day.

A rollover cannot cut your benefits

Federal law protects it. A rollover straight into another retirement account is tax-free, and it stays outside the unemployment calculation.

Money no former employer touched is usually safe

The offset is about plans a base period employer contributed to. An IRA you funded yourself generally sits outside it.

An IRA funded by rolling over that employer's 401(k) is less clear, and states handle it differently. Ask before you withdraw.

LOANS, PENSIONS AND COMPANY STOCK

An outstanding 401(k) loan

When you leave, the unpaid balance is usually subtracted from your account and treated as a distribution to you, even though no money arrives.

You have until your tax return due date for that year, extensions included, to replace it from other money and roll it over. It is easy to miss in the paperwork.

If you cannot replace it, the amount is taxable, and the rule of 55 may still spare you the 10%.

A pension lump sum offer

Ask for the relative value disclosure by name. The plan is required to give you a meaningful comparison between the lump sum and the monthly benefit, without making you do the math.

If the lump sum is shown as 82% of the value of the annuity, the plan has just told you the annuity is worth more.

Once it is paid there is generally no going back, and the window to change your mind beforehand is set by your plan. Get that deadline in writing.

Company stock in your 401(k)

If your plan holds employer stock that grew a lot, ask about net unrealized appreciation, or NUA. It comes from Internal Revenue Code section 402(e)(4), and leaving your job is one of the events that opens it.

You pay ordinary income tax on what the stock cost when it went into the plan, and long-term capital gains on the growth when you sell it.

Rolling the stock itself into an IRA ends it. You can take the stock in kind and roll the rest of the account over, as long as the whole account is distributed in the same tax year. Ask a tax professional before you move anything.

When your required withdrawals start: 75, or 73 if you were born before 1960

If you were born in 1960 or later, your first required withdrawal year is the year you turn 75. Born before 1960 and it is the year you turn 73.

Several pages on the IRS website said 73 and did not mention 75 when we checked them in 2026. The regulation is what governs.

Wait 30 days before doing anything with the account

Leaving it where it is costs nothing. Rolling it over and cashing it out are the two things you cannot take back.

If your balance is under $7,000, ask first whether the plan will push it out on its own, because that decision is not yours.

There is no deadline forcing you to decide in week one, whatever the offboarding packet implies.

UNEMPLOYMENT

File the week you separate, even with severance coming

The agencies we checked say the same thing. File immediately, and let them decide how severance affects it.

Filing establishes your benefit year and your base period. Waiting until severance runs out can shift your base period to lower earning quarters and permanently reduce your weekly amount.

Filing early costs nothing, even in states where severance delays payment.

The Department of Labor lists every state's office at www.dol.gov/general/audience/aud-unemployed.

Severance and unemployment: it is entirely a state question

Federal law is silent here. Some states delay your benefits by the number of weeks the severance represents. Some reduce the weekly amount only above a threshold. Some ignore severance completely.

And in some it depends on what the money was for: service-based severance and payment to settle a claim are treated differently.

How the payment is structured can change your unemployment

In some states a lump sum and salary continuation give different answers. In at least one, severance starting more than 30 days after your last day does not affect benefits at all.

Ask your lawyer, during the review you are already paying for, whether the timing or wording of your payment changes your unemployment in your state.

Keep certifying every week, even at zero

Severance that delays your payments makes you ineligible one week at a time. Your claim stays on file.

Stopping your weekly certifications is a common way people lose weeks they were entitled to. Keep filing.

⚠ Taking a buyout can be treated as quitting

States look at who made the decision. Accepting a voluntary early retirement package can be read as a voluntary quit, which disqualifies you.

Evidence the layoff was real and coming generally keeps you eligible: a downsizing announcement, a statement that layoffs were possible, or a written notice of your layoff date.

Before you sign a buyout, get in writing from HR whether you were on the layoff list and what happens if you decline.

⚠ Say laid off, not retired

On the application, the reason is lack of work, even at 63 with no plan to work again.

Check what the employer put on your separation notice and correct it if it says retired.

Telling the agency you are retired can also make them decide you are not available for work, which is a separate requirement you have to meet.

What to expect

26 weeks in most states, though several are shorter and a couple are longer. Your state agency publishes its own number.

Your weekly amount is roughly half your former weekly pay up to a state cap, and if you were earning well you will hit the cap. Budget from the cap, not from half your salary.

Many states have one unpaid waiting week. Some have none.

Unemployment is taxable, and withholding is all or nothing

Unemployment is federally taxable income. You can have 10% withheld by filing Form W-4V with the state, and 10% is the only rate allowed.

Elect it when you file. You can start or stop it later with a new W-4V.

Log every job contact from week one

Work search requirements are real and audited. Date, employer, position, how you applied, what happened.

Older workers get caught by this when they network instead of formally applying. Networking is often the better way to find work. It may not count toward the work search requirement, so log the formal applications as well.

You can draw Social Security and unemployment at once

Unemployment does not count as earnings for Social Security, so drawing it does not reduce your Social Security.

The other direction is a state question. Most states no longer cut your unemployment for drawing Social Security. Check your own state.

IF YOU THINK IT WAS YOUR AGE

Read the odds before you decide how much of your year to spend on this.

What the EEOC is

A federal agency that investigates discrimination complaints. The complaint you file is called a charge. It costs nothing and needs no lawyer.

You can file online, by phone or in person. The filing page is www.eeoc.gov/how-file-charge-employment-discrimination.

Under federal age law you have to file a charge before you can sue.

What happens after you file

The employer is notified within 10 days. Mediation is usually offered. Investigation takes about 10 months on the agency's own estimate.

It ends in a settlement, a finding, or a dismissal. Under federal age law you can go to court 60 days after filing the charge, without waiting for a letter.

If the agency does send you a notice that it has closed your case, a 90-day clock to file starts when you receive it. That 90 days does not move.

Signing a release does not stop you filing

No severance agreement can stop you filing a charge or helping an investigation. A clause saying otherwise does not work.

Signing can waive any money you could recover from the claim.

Filing does not put your severance check at risk

You keep severance you have already been paid, and keeping it does not count as agreeing to the release.

See THE SEVERANCE AGREEMENT for what the regulation says.

The odds, from the agency's own numbers

In fiscal year 2023, the most recent year we could verify in full, 65.8% of age charges ended in a finding of no reasonable cause. That is about 2 in 3.

15.4% produced some relief, or about 1 in 6.

The agency almost never sues for one person

In fiscal year 2025 the agency filed 94 lawsuits across every kind of discrimination. Nine of them included an age claim.

Most charges end without the agency going to court for you. Going further than that means hiring your own lawyer.

What a no reasonable cause letter means

The agency defines it as a decision to stop investigating. The agency also says plainly that the letter does not certify your employer followed the law.

You still get 90 days to take it to court.

⚠ 180 days, counted from the day you were told

Not from your last day of work. The Supreme Court settled this: the clock starts when the decision is made and communicated to you.

Say you were told on March 1 and left on June 1. The 180 days runs from March 1, so 92 of them are gone before your last day. The 45 days to consider a severance agreement runs inside that same window, not on top of it.

Federal law gives you 300 days instead where the state has its own age law and an agency that can act on it. Treat 180 as your deadline and file early.

⚠ Filing with your state may no longer cover you federally

State agencies and the EEOC used to cross-file automatically. At least one state stopped doing that on October 1, 2025, and now requires a separate federal filing to preserve federal rights.

State deadlines are often much longer than the federal 180 days. If you work to the state clock, the federal deadline can pass months before you notice.

Ask both agencies, in writing, whether filing with one covers the other.

Age cases carry a higher bar than other discrimination cases

A 2009 Supreme Court decision requires proving age was the reason for the decision, not merely one of the reasons. Race and sex claims have a lower bar.

It is widely believed to have made age cases harder. How much harder in real cases has never been measured.

Whether you are covered at all

Federal law covers workers 40 and over at employers with 20 or more employees. State and local government employers are covered at any size.

Below 20 employees, federal law does not reach, and your state law may. Some states cover employers with a single employee.

When filing makes sense

If your severance agreement was missing the disclosure or the required terms. If you never signed. If the deadline is near and you want to keep the option open. If you want it on the record.

THE ORDER TO DO THIS IN

Week one

- Call your spouse's HR about their plan. 30 days.
- File for unemployment. Say laid off, lack of work.
- Read the severance agreement against the checklist in THE SEVERANCE AGREEMENT. Hold off signing.
- Ask for the list in writing if two or more of you were let go.
- Book a severance review. Call your state bar's referral service first.
- Get the actual monthly COBRA cost in writing.

Weeks two and three

- Price COBRA against Marketplace plans, with your expected income for the year.
- If you are 63 or older, put your Medicare enrollment window on a calendar.
- Get your Summary Plan Description and ask the partial withdrawal question in writing.
- Check your state's rule on severance and unemployment.
- Leave the retirement accounts alone.

Before you sign anything

- Confirm you have used the full 21 or 45 days.
- Confirm nothing in the agreement asks you to give the money back or pay their fees.
- Confirm you know what the release covers and what it does not.
- Confirm you know your 180 day date, counted from the day you were told.

WHERE JOYNR FITS

Joynr is a community of people going through this, and some who have come out the other side.

What we can and cannot do

Some questions do not have a search result. Other members have read an agreement like yours, called the same unemployment office, and priced COBRA against a Marketplace plan at your age. You can ask them what happened.

Nobody at Joynr is a lawyer, an accountant or a financial advisor, and nobody here reviews your documents.

Post on the good days and the hard days too. Nobody here expects you to be doing well.

WHERE THIS CAME FROM

Where the source was a statute or regulation, we read the statute or regulation rather than a summary. A figure from something other than a government source carries the name of whoever published it. Anything we could not open or confirm was left out rather than printed.

Severance and age releases

Older Workers Benefit Protection Act, 29 U.S.C. 626(f). EEOC regulations at 29 C.F.R. 1625.22 and 1625.23. Oubre v. Entergy Operations, 522 U.S. 422 (1998) on not returning the money. Behr v. AADG (N.D. Iowa 2016) and Kruchowski v. Weyerhaeuser, 446 F.3d 1090 (10th Cir. 2006) on defective disclosures.

Limits: no case we found holds that the 45-day clock fails to start when the disclosure is missing, and we found no EEOC enforcement action over a missing disclosure. The guide does not claim either.

Health coverage

A Worker's Guide to Health Benefits Under COBRA, from the Department of Labor, including its statement that COBRA reaches most state and local government plans. At www.dol.gov/agencies/ebsa/about-ebsa/our-activities/resource-center/publications/workers-guide-health-benefits-cobra. CMS and Medicare.gov guidance on Marketplace enrollment, the seven-month initial enrollment period and the 8-month special enrollment period for people who delayed Part B while working. IRS Revenue Procedures 2025-25 and 2026-26 for the 2026 and 2027 premium tax credit tables. HHS poverty guidelines published January 15, 2026. CMS final guidance on age curves dated December 16, 2016, Appendix I, for the default age rating factors. The 2025 Marketplace Integrity and Affordability rule for the end of the monthly low-income special enrollment period on August 25, 2025.

Limits: the 2027 Part B premium was not published when this was written. Subsidy rules were the subject of live legislation in 2026 and could change. Published sources disagree on whether the end of the monthly low-income special enrollment period is permanent, so this guide says only that it has not been available since that date.

Medicaid

42 C.F.R. 435.603 for MAGI income counting, the lump sum counted only in the month received, and the bar on an asset test for the adult group. Section 71119 of Public Law 119-21 and the implementing rule published June 3, 2026 for the community engagement requirement.

Limits: state start dates are not settled. A state can ask to delay on a good-faith basis to the end of 2028, and we did not confirm which states have been granted one.

Retirement accounts

Internal Revenue Code section 72(t). IRS Notice 2026-13. 26 C.F.R. 1.401(a)(9)-2 for the age 75 rule. 26 C.F.R. 1.417(a)(3)-1 for relative value disclosures.

Limits: several IRS consumer pages are out of date on the age 75 rule and one misstates the rule of 55. We cited the regulations instead.

Unemployment

26 U.S.C. 3304(a)(15) and Department of Labor Unemployment Insurance Program Letter 22-87 with its changes, for the retirement offset. Individual state agency guidance and statutes for everything state specific.

Limits: the Department of Labor's cross-state comparison is still the 2023 edition and contains no severance or pension table. Any state-by-state severance chart published elsewhere is somebody's compilation, not an official one. That is why this guide sends you to your own state rather than printing a table.

Age discrimination

Age Discrimination in Employment Act, 29 U.S.C. 621 and following. EEOC enforcement statistics, table E5a, for the fiscal year 2023 charge outcomes. EEOC Office of General Counsel annual report for fiscal year 2025 for the lawsuit counts. Gross v. FBL Financial Services, 557 U.S. 167 (2009). Delaware State College v. Ricks, 449 U.S. 250 (1980) on when the clock starts. Mount Lemmon Fire District v. Guido (2018) on government employers.

Limits: the outcome percentages are fiscal year 2023, the most recent year we could open in full. Fiscal year 2025 figures exist in a spreadsheet we could not read, so no average award and no charge-receipt count is printed here. The claim that the 2009 decision made cases harder is widely held and has never been measured in real cases.

What this guide deliberately does not do

Whether you have a case, whether your release is valid, and whether a lump sum is a good deal all need somebody looking at your documents.

It was not reviewed by an attorney. Where that matters, the guide says so.

CHANGE LOG

Version	Date Modified	Modified By	Notes
1.0	September 2026	Mike Hrubes	Initial release. The companion to the 55+ job search guide, carrying the severance, health coverage, retirement account and legal rights material that was split out of it.
1.1	October 2026	Mike Hrubes	Rebuilt through the full engine after the block source was recovered from the v1.0 document. Read-aloud gate run to zero findings. Corrected the overlapping 180-day and 45-day clocks, the unemployment pension offset, the Marketplace low-income enrollment window and four internal contradictions. Marketplace enrollment rules and age rating factors rechecked October 4, 2026.
1.2	October 2026	Mike Hrubes	Cross-references between sections are now live links rather than plain text. Added the Marketplace, state unemployment office and EEOC filing addresses so a reader can check what the guide tells them to check. COBRA source cited under its current title.
1.3	October 2026	Mike Hrubes	Review applied. The title now names who the guide is for. The deadline list runs soonest first, so the section heading is accurate. Opening rewritten, and four statements corrected that overstated what a missed deadline costs.

1.6	October 2026	Mike Hrubes	Disclaimer replaced with the standard one from Joynr's disclaimer framework; the previous wording was missing two of its five parts. Removed the lines stating when the guide was fact-checked, which repeat the date already on the cover.
1.5	October 2026	Mike Hrubes	Mike's review applied and the guide published. Softer title. Wrapped bullets now line up under the text rather than under the bullet. The severance consideration clocks, the COBRA eligibility line, the EEOC right and the disclaimer all restated in his words or in plainer ones.
1.4	October 2026	Mike Hrubes	The companion job search guide is now a link. Twenty-one sentences rewritten after six read-aloud rounds, including the Medicaid work requirement exemptions, which were worded so that three alternatives read as three requirements, and the COBRA and Marketplace paragraph, which promised something the next line took back.

hello@joynr.co · joynr.co