

# The USPS Postmark Rule: What HR and Benefits Teams Need to Know

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## KEY POINTS

- A December 2025 USPS rule redefines “postmark” as the date mail is first processed, not the date it is received or dropped off.
- Under the mailbox rule, the new postmark definition creates compliance risks for plan sponsors and recordkeepers relying on same-day mailing to meet benefit and tax notice deadlines.
- Late COBRA notices triggered by the new postmark rule can expose employers to statutory penalties under federal law.
- ERISA-required participant notices mailed without adequate lead time may be deemed noncompliant under the new rule.
- Plan sponsors can mitigate risk by mailing at least one to two business days early, requesting manual postmarks for up to 50 pieces at a time, or switching to electronic delivery where permitted.

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We have all been there. Whether it involves a birthday or a business meeting, everyone knows the feeling of scrambling to remember an important date. In the world of benefit plan notices, dates matter too. The small date imprinted in black ink on the corner of an envelope may dictate whether a tax return, important filing, or required notice is timely or late. If your organization mails anything related to employee benefits, this quiet but consequential rule change deserves your attention.

## NEW DEVELOPMENT

In December 2025, the U.S. Postal Service (USPS) finalized a new rule that clarifies exactly what a “postmark” means. Under the old rule, a postmark was generally applied on the date of receipt by the USPS, regardless of when the mail was eventually processed. Under the new rule, the postmark date reflects when a mail piece is first processed — not when it was dropped off at the post office or handed to a mail carrier.

## DATES MATTER

The postmark date raises compliance concerns for plan sponsors and recordkeepers responsible for timely providing benefits and tax notices to plan participants and beneficiaries. Federal law allows many deadlines to be satisfied by mailing a document on time, even if it arrives late. One common example, the “mailbox rule,” treats mail as delivered on the date reflected by the item’s postmark. Under the old USPS rule, a plan sponsor or recordkeeper could reliably mail notices or other important benefits documents the day before a deadline, counting on the postmark reflecting the date the USPS received the mail. However, under the new rule, the same plan

sponsor or recordkeeper could miss a deadline if the mail was not automatically sorted until later.

## PRACTICAL CONSEQUENCES

- **Tax filings and IRS correspondence** could attract late-filing penalties.
- **COBRA notices** sent even a day “late” by postmark can expose employers to statutory penalties.
- **Benefit claims and appeals** with missed administrative deadlines can result in denied coverage or loss of discretionary review rights.
- **ERISA-required participant notices** could be deemed noncompliant.

## NEXT STEPS

1. **Mail early.** Build in a buffer of at least one to two business days before any hard deadline.
2. **Consider requests for manual postmarks.** The new rule allows customers to request a manual postmark (which reflects the date of acceptance) for up to 50 mail pieces at a time, in-person at a post office, station, or branch.
3. **Consider electronic delivery.** Where permitted, electronic delivery of participant notices avoids this issue entirely. For a discussion of the rules for electronic delivery of required ERISA notices, see our prior alerts [“Electronic Delivery of Required ERISA Notices for 401\(k\) Plans Made Easier Under New DOL Rules”](#) and [“New ERISA Safe Harbor Expands Opportunities for Electronic Disclosure of Retirement Plan Information.”](#)
4. **Audit your workflows.** Work with your third-party administrators and plan counsel to identify which mailings are deadline-sensitive and adjust timelines accordingly.

If you have questions about how the postmark rule affects your organization’s filing obligations, please contact us or another member of the Employee Benefits and Executive Compensation team. We are happy to help you navigate these updates and ensure your submissions are timely.

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