

INTERIM IRM PROCEDURAL UPDATE

DATE: 06/03/2013

NUMBER: WI-21-0612-1015

SUBJECT: Elimination of EO R-Mail

AFFECTED IRM(s)/SUBSECTION(s): 21.3.8

CHANGE(s):

IRM 21.3.8.5.1.3(13) - Added a reference to new IRM 21.3.8.6.2, "Out of Scope Topics and Issues."

13. For all other within scope questions, follow procedures outlined throughout IRM 21.3.8 and in other IRMs pertinent to the issue or refer to the appropriate technical reference(s) (e.g., form instructions and publications) to provide a complete and accurate response to the inquiry. For issues that are beyond the scope of your assigned application, transfer or prepare a written/determination specialist R-mail referral as appropriate. See IRM 21.3.8.6.2, "Out of Scope Topics and Issues," for information on handling calls about out of scope topics. See IRM 21.3.8.5.2, "Transfer Procedures," for additional information.

IRM 21.3.8.5.1.3.1(2) - Replaced the reference to EO R-Mail with a reference to out of scope.

2. Research to determine whether the organization is recognized tax exempt:

If	Then
INOLES/ENMOD shows the entity in status 12 and with subsection 90, 91, or 92 AND there is no exemption ruling on EDS/TEDS that didn't roll to IDRS	Inform the caller that the entity is filing an information return as a non-exempt charitable trust (NECT). If the caller is authorized and requests a letter affirming the status (subsection 91 only), see IRM 21.3.8.7.3(1)(b).

Technical questions on NECTs are out of scope.

IRM 21.3.8.5.2(1)(a) - Deleted the reference to R-Mail.

1. **Transfer customers only under the following circumstances:**
 - a. If the issue is beyond the scope of your assigned application or is an IRS issue outside the purview of TEGE, transfer to the appropriate application using the Telephone Transfer Guide found on SERP.
 - b. Transfers as a participant in the Customer Satisfaction Survey. See IRM 21.3.8.5.2.3, "Customer Satisfaction Survey."

IRM 21.3.8.5.2.2(2) - Deleted the reference to EO R-Mail.

2. The TEGE EP R-Mail Topics file located on the TEGE Research Portal on SERP indicates which issues are appropriate EP determination specialist R-Mail referrals.

IRM 21.3.8.6 - Added "Out of Scope Procedures" to the subsection title; added a reference to the out of scope procedures in (1).

1. This section serves as a guide for performing tasks involved in preparing R-mail referrals, responding to calls about R-Mail referrals, and responding to calls about out of scope topics.

IRM 21.3.8.6.1.2 - Added a row to the table in (1) to cover follow-up questions that are designated as out of scope; distinguished in (2) between preparing a second R-Mail referral for EP issues and following the out of scope procedures for EO issues.

1. When a call is received that references a previous R-mail for which an answer has already been provided and the customer has additional questions or requests that the response be repeated:

If	Then
The additional questions are within your scope of expertise	Provide an appropriate response.
The caller asks for the determination specialist's comments (response) to be repeated	Research the closed R-mail referral by reference number and read the determination specialist's comments (response) to the caller. If the response is not satisfactory to the caller, prepare a new R-mail referral and reference the closed R-mail. NOTE: If the caller does not have the reference number, you can also search using the caller's last name, the telephone number, or

the email address.

The additional questions involve issues designated on the TEGE Research Portal as determination specialist referrals Prepare a new R-mail referral.

The additional questions involve issues designated as out of scope Follow the out of scope procedures.

The issue is a CSS level topic and the call is received by a CSR Transfer the customer to a CSS.

2. When a call is received that references a previous R-mail for which the customer states he/she has not received an answer:

If	Then
The R-mail record is closed and the determination specialist's comments (response) are shown	Read the determination specialist's comments (response) to the caller. If the caller is not satisfied, prepare a new R-mail referral.
The R-mail record is closed and reflects the determination specialist mailed a response	<ol style="list-style-type: none">1. Advise the customer that the determination specialist was unable to reach him/her by phone and a response was mailed.2. Advise the customer the date of the closure and that the response should be received 7-10 days from that date.
The R-mail record is closed and shows no action taken or reflects the determination specialist left a voice mail message	<ol style="list-style-type: none">1. Apologize to the caller.2. If the question is EP, offer a second R-Mail referral and notate it "Second Request" and add the original reference number. If the question is EO, follow the out of scope procedures.
It has been less than 30 days since the referral was entered	Advise the customer that, while every attempt is made to respond within 15 business days, it could take up to 30 days if further research is required and he/she needs to wait for the contact.
It has been more than 30 days since the referral was entered and	Apologize and advise the customer the referral is assigned and it may take an

<p>the referral is opened, assigned, but no action is annotated</p> <p>It has been more than 30 days since the referral was entered, the referral is opened, but unassigned or it shows WASH POD in the comments section</p> <p>No record appears on R-mail, or the referral was closed no action due to an error on input (bad phone number, no message present, etc.)</p>	<p>additional day or two for the contact.</p> <p>1. Apologize for the apparent delay and explain that his/her question does not appear to be assigned.</p> <p>2. Advise customer you will prepare a referral to your manager to ensure someone contacts them within the next five business days</p> <p>3. Prepare Form 4442 and give to manager to forward to Processing Group 7846 (fax 513-263-5900).</p> <p>Apologize and offer a second R-mail referral.</p> <p>EXCEPTION: If the question relates to EO and has been designated as out of scope, apologize to the caller and follow the out of scope procedures.</p>
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IRM 21.3.8.6.2 - New subsection on out of scope procedures for EO issues.

1. As of June 1, 2013, topics previously designated as EO R-Mail topics are handled as out of scope, which brings the TEGE product line into alignment with the other W&I functions.
2. Assistors must probe sufficiently to determine whether the caller's question is out of scope because of the specific topic (e.g., NECTs) or because of the nature of the question (i.e., the caller is asking for an opinion or a legal position) and use the appropriate script from the TEGE Research Portal.
3. The Portal has a list of specific EO topics that are considered out of scope.
4. If the specific topic is out of scope, assistors should refer to the list of additional resources on the Portal to see if there are references to which the caller can be referred for additional research.
5. See IRM 21.1.1.6.1, "Out of Scope and Limited Service," for additional information on handling out of scope contacts.

IRM 21.3.8.7.3(1)(b) - Replaced the reference to EO R-Mail with a reference to out of scope.

1. To determine the appropriate letter that fits the customer's situation, refer to the following charts, using all applicable research and information furnished by the caller.

b. Chart 1 - EO STATUS = 01, 12, or 32 - Affiliation Code = 1, 2 or 3
(Individual Ruling, including central organizations without a group ruling)

Applicability	Letter to Org	Letter to 3rd party
SS = 03	Letter 4164C	Letter 4170C
Expired ARED (200805 and earlier ONLY) and presumptive PFs	(Form 8734 Needed/Advance Ruling Expired Letter)	(3rd Party Affirmation of Exemption Letter)
SS = 03	Letter 4179C	Letter 4170C
Foundation code 09	(No Initial Advance Ruling Issued Letter)	(3rd Party Affirmation of Exemption Letter)
All other SS = 03 and other Subsections not listed below (includes AREDs of 200806 and later)	Letter 4168C (Letter Affirming 501(c) Exemption)	Letter 4170C (3rd Party Affirmation of Exemption Letter)
SS = 80	No C Letter available.	No C Letter available.
	Send 4442 to Correspondence Unit (fax 513-263-4330).	Send 4442 to Correspondence Unit (fax 513-263-4330).
Subsection = 90,91,92 NOTE: Only NECTs showing subsection 91 should have a ruling of public charity status that allows them to file a Form 990. NECTs showing subsection 90 or 92 do not have any formal ruling and there is no letter available to document their status. Requests for more information than is discussed	No C Letter available. Send 4442 to Correspondence Unit (fax 513-263-4330) for subsection 91 only.	No C Letter available. Inform the caller that the entity is filing an information return as a non-exempt charitable trust.

here are out of scope.

Subsection = 93	Letter 4163C (No	Letter 4172C (Letter
Taxable Farmer's Cooperative	Record of	to 3rd Party
	Exemption of	Indicating No
	Organization Letter)	Record of
		Exemption)

IRM 21.3.8.12.3(2) - Replaced the reference to EO R-Mail with a reference to out of scope.

2. If the question is beyond the scope of the application you are staffing, follow the out of scope procedures or transfer the caller per the TTG, as appropriate. See IRM 21.3.8.8.2, "Form 4442 - Inquiry Referral," if you are unable to respond to a question that is within the scope of the application you are staffing.

IRM 21.3.8.12.5.3.2(3) - Replaced the reference to EO R-Mail with a reference to out of scope.

3. Questions on set asides under IRC section 4942(g) which cannot be answered using the information in this IRM are out of scope.

IRM 21.3.8.12.5.3.3(4) - Replaced the reference to EO R-Mail with a reference to out of scope.

4. Questions on voter registration activities under IRC section 4945(f) which cannot be answered using the information in this IRM are out of scope.

IRM 21.3.8.12.5.7(1) - Deleted the reference to EO R-Mail.

1. Use the information in the following table to address an authorized caller's request to change his/her organization's EO filing requirements. If the caller received a notice about an employment tax return or a BMF income tax return, instruct him/her to contact the office that issued the notice.

EXCEPTION: If the caller's organization has Form [1120](#) filing requirements **and all of the following are true**, prepare an EO Submodule Data Sheet (and EO Entity will delete the Form [1120](#) FR and satisfy any open Form [1120](#) modules when they add the submodule). (See IRM [21.3.8.12.24.2](#), "Rejected Forms 990-N and Collecting Data to Establish an EO Submodule for Organizations without a Submodule and for Organizations with a Pending Application," and the subsequent subsections for additional information.) If any of the conditions do not

apply, prepare a Form [4442](#) referral to your Lead and specify on the Form [4442](#) the reason for the referral:

- The caller states that the organization is organized and operated as a tax exempt entity and that it is not a homeowners association.
- The organization does not already have an EO submodule.
- There are no open Form [1120](#) modules with a balance due.
- The organization is eligible to submit a Form 990-N.

NOTE: Unless specifically noted, these procedures apply only to organizations with individual, formal rulings of exemption. If the organization is a subordinate in a group ruling and you cannot resolve the filing requirement discrepancy with the information available or by consulting your lead (e.g., if the caller's organization is a hospital included in a group ruling held by a church parent and we erroneously show the hospital with a foundation code 10 and a filing requirement of 990-06, you would correct Master File to show the organization with a foundation code 12 and a 990-01 filing requirement), the central organization must send a request to change the subordinate's existing EO filing requirements to:

IRS
EO Entity, Mail Stop 6273
Ogden, UT 84201

They may also fax the information to 801-620-7116.

If	And	Then
The non-509(a)(3) organization has a 990 filing requirement	The caller states that his/her organization should be exempted from filing a Form 990 because of its affiliation with a church or convention of churches	Refer the caller to Rev. Proc. 96-10 and instruct him/her to send the pertinent information (a letter and any supporting documentation to explain how the organization is described in the Rev Proc), Form 8940, <i>Request for Miscellaneous Determination</i> (available to the public some time after January 31, 2011), and the required user fee (currently \$400 per Rev. Proc. 2011-8) to the IRS, P.O. Box 12192, Covington, KY 41012-0192.
	NOTE: This applies only to organizations engaged exclusively in financing, funding the activities of, or managing the funds of a church, integrated auxiliary, or convention or association of churches, or that maintain retirement insurance programs primarily for organizations described in 170(b)(1)(a)(i) or that are engaged in financing, funding, or managing assets	NOTE: This information will be used to establish an "A" case on EDS/TEDS. If the determination specialist requires additional

used for exclusively religious activities. information, she/he will solicit it from the organization.

IRM 21.3.8.12.7(2) - Replaced the reference to EO R-Mail with a reference to out of scope.

2. Excise tax with relation to TEGE is a complex issue and questions relating to it are out of scope for EO or are R-Mail referrals for EP. Post-route non-TEGE excise tax questions using the TTG

IRM 21.3.8.12.8(6) - Replaced the reference to EO R-Mail with a reference to out of scope.

6. Technical questions on Form 5768 are out of scope.

IRM 21.3.8.12.20(9) - Replaced the reference to EO R-Mail in the Exception with a reference to out of scope.

9. Organizations that change their entity type are also required to apply for a new Employer Identification Number. Refer callers to Rev. Rul. 73-526, to the IRS Internet site, and to Publication 1635, *Understanding Your EIN*, for information on this topic.

EXCEPTION: If a tax exempt corporation reincorporates in another state and conducts the same activities with the same assets in the new state, the reincorporation constitutes a reorganization under IRC section 368(a)(1)(F) and a new EIN is not required (but the organization is required to reapply for formal recognition of its exemption). If, however, the reincorporation does not meet the requirements of a reorganization under IRC section 368(a)(1)(F), then the organization is required to apply for a new EIN, as well as for formal recognition of its exemption. Questions about IRC 368(a)(1)(F) are out of scope.

IRM 21.3.8.15(3) - Replaced the reference to EO R-Mail with a reference to out of scope.

3. Questions from government entities and instrumentalities about qualifying under section 115 are out of scope.

IRM 21.3.8.15.7(1) - Replaced the reference to EO R-Mail with a reference to out of scope.

1. Use the following text for guidelines concerning FSLG inquiries:

Frequently Asked Questions

If the Customer

Then

Is a governmental or a quasi-governmental agency or an instrumentality and is requesting a tax exemption letter or an affirmation letter of tax exemption

Ask the customer the basis for the entity's exemption or exclusion from income tax. Generally, a governmental or quasi-governmental agency has an exemption or exclusion from income tax if it is a state or political subdivision of a state or it is an organization to which section 115 applies.

NOTE: Questions on qualifying under section 115 are out of scope.

STATE or POLITICAL SUBDIVISION:

The IRC does not generally impose federal income tax on a state, a political subdivision of a state, or an agency that is an integral part of a state. A letter ruling or a general information letter may be requested, but is not required.

SECTION 115:

Organizations to which Section 115 applies are not required to pay federal income tax. Section 115 applies to an organization that performs an essential governmental function and whose income accrues to a state or a political subdivision of a state. Organizations within the scope of Section 115 include insurance risk pools that insure city or county governments, local economic development agencies and associations whose members are all political subdivisions or other government bodies. A letter ruling may be requested (refer the caller to Rev. Proc. 2009-1, updated annually, for the procedure and the fee), but is not required.

Issue the appropriate instrumentality or affirmation letter if necessary. See IRM 21.3.8.7.3, "Choosing the Appropriate Letter."

Provide the customer the telephone number and name of the Management Assistant for his/her

state for future reference. Refer to the TEGE Research Portal on SERP for a list of FSLG Management Assistant referral numbers.

Refer the caller to the FSLG page of the IRS Web site for additional information.

IRM 21.3.8.17(3) - Deleted the reference to EO R-Mail.

3. Instruct callers with technical (tax law) questions to email their question to tege.teb.questions@irs.gov .

IRM 21.3.8.17.1(8) - Replaced the reference to EO R-Mail with the TEB email address.

8. For specific form-related issues, refer to the form and instructions. Instruct callers with technical (tax law) questions to email their question to tege.teb.questions@irs.gov .

IRM 21.3.8.17.5(6) - Replaced the reference to EO R-Mail with the TEB email address.

6. Instruct callers with technical (tax law) questions on Form 8328 to email their question to tege.teb.questions@irs.gov .