



INDEPENDENT OFFICE
OF APPEALS

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, DC 20224

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Expiration Date: 9/23/2026

Affected IRM: 8.20.5, 8.20.7 and 8.22.6

MEMORANDUM FOR: Director, Collection Appeals
Director, Account & Processing Support (APS)

FROM: Patrick E. McGuire /s/ *Patrick E. McGuire*
Director, Case and Operations Support

SUBJECT: Interim Guidance for Collection Due Process (CDP)
requests in the Rapid Response Appeals Process (RRAP)

This memorandum supersedes AP-08-0922-0016, Interim Guidance for Collection Due Process (CDP) Requests in the Rapid Response Appeals Process (RRAP) FY23-24, which expanded the criteria for CDP cases that qualified for RRAP processing under IRM 8.22.6.2 and other related subsections.

Purpose: This memorandum updates IRM 8.20.5.13.2.1.2, 8.20.7.20.9, 8.22.6.2 and 8.22.6.2.1 to incorporate changes applied to processing, closing, and working RRAP cases. Since AP-08-0922-0016 was issued, processing guidelines, including the use of the Electronic Case Receipts (ECR) page, have changed. This guidance incorporates those changes and highlights the specific changes for each IRM section.

Background/Source(s) of Authority: Appeals gives priority consideration to pyramiding in-business trust fund cases that qualify for RRAP processing. IRM 5.1.9.3.3.2.1 has been updated to outline the process for sending RRAP cases to Appeals, what to expect while the RRAP is in Appeals, and details the closing response received from Appeals.

Procedural Change: See the attachment to this memorandum for impact to IRM 8.20.5 Carding New Receipts, 8.20.7 Closing Procedures, and 8.22.6 Cases Requiring Special Handling.

Effect on Other Documents: This guidance will be incorporated into the affected IRMs within two years from the date of this memorandum.

Effective Date: This guidance is effective as of the date of this memorandum.

Contact: Appeals employees should follow existing procedures to elevate questions through their management chain and follow established procedures on How to Contact an Analyst.

Attachment(s):

Updated Guidance

cc: www.irs.gov

8.20.5.13.2.1.2

Rapid Response Appeals Process (RRAP) Case Carding

- (1) The Rapid Response Appeals Process (RRAP) is a redefinition of what constitutes a pyramiding in-business trust fund (IBTF) taxpayer. RRAP provides procedures for cases identified as pyramiding in-business trust fund Collection Due Process (CDP) cases in Appeals. Only those cases which meet certain criteria qualify for the process.
- (2) Appeals will not identify a case as pyramiding “PY” or an “RRAP” case once it is received in Appeals through routine CDP transmittal. For a case to be considered and worked under priority procedures as a pyramiding in-business trust fund taxpayer, the case must be identified by the revenue officer (RO) prior to the transmittal of the case to Appeals. It must be forwarded to Appeals using the RRAP procedures below.
- (3) After approval by the RO’s manager, the digitized case documents should be uploaded to the Electronic Case Receipts (ECR) page.
- (4) Account and Processing Support (APS) actions:
 - APS monitors the ECR page and will assign the case to an APS Tax Examiner.
 - The APS Tax Examiner will card the digitized CDP hearing request into Area 03 – AOC 50 within one business day of receipt and make the following entries:

ACDS Field	Entry
FEATRCD	"PY" - to indicate an IBTF pyramiding taxpayer
LOC 9 field	RRAP

Note: Only RRAP CDP cases will have a PY feature code.

- (5) The Appeals Team Manager (ATM) will assign the case to an Appeals Technical Employee (ATE) within five (5) business days.

8.20.7.20.9

CDP Rapid Response Appeals Process (RRAP) APS Closing Procedures

- (1) When the ATM enters the ACAP on the Appeals Centralized Database System (ACDS) record, the case will be assigned to the appropriate APS Team per the Direct

Ship table.

(2) Upon receipt of the RRAP case from the ATM, APS takes the following actions:

- Issue the appropriate letter within ten (10) calendar days of the ACAPDATE.
- If a Notice of Determination (NOD) is issued, suspend the case for a total of sixty (60) days.
- If the taxpayer petitions the United States Tax Court (USTC), take no action until the Tax Court case is closed and Counsel has returned the case to Appeals.

(3) APS will close the case after the decision is final and will email the closing documents listed below to the originating revenue officer:

- Form 5402, Appeals Transmittal and Case Memo
- Letter 3193, Notice of Determination Concerning Collection Actions Under Sections 6320 and 6330 with Appeals Case Memorandum (ACM) or
- Form 12257, Summary Notice of Determination and Waiver of Right to Judicial Review with cover letter or
- Form 12256, Withdrawal of Request for Collection Due Process or Equivalent Hearing with cover letter
- Other documents obtained by Appeals during the CDP hearing process

Note: The first four (4) bullet point items above must always be emailed to the RO. If the “other documents” exceed fifteen (15) pages, they may be mailed to the RO.

8.22.6.2

Rapid Response Appeals Process (RRAP)

(1) CDP cases meeting all of the following criteria qualify for RRAP and qualify for priority case handling:

- a) In-business taxpayers owing employment taxes.
- b) Taxpayer is not making Federal Tax Deposits (FTD) in the current quarter.
- c) Unpaid tax due is \$10,000 or more, including accruals.
- d) Receipt of a *timely* request for an IRC 6330 hearing or a combination IRC 6320 and IRC 6330 hearing.
- e) There are no existing tax periods for which levy action may be taken, such as those subject to an equivalent hearing, those for which an IRC 6330 hearing has already been held, or where the one-year period to request an equivalent hearing has expired. If levy action can be taken for another tax period, the IRC 6330 hearing does not qualify for RRAP, except as provided in (3) below.

(2) Field Collection CDP cases meeting all of the following criteria also qualify for RRAP:

- a) Receipt of a *timely* request for an IRC 6330 hearing or a combination IRC 6320 and IRC 6330 hearing.
- b) The taxpayer is in-business and owes more than \$250,000, including accruals (on any BMF return type), or is an IMF taxpayer owing more than \$500,000, including accruals, or is an individual taxpayer (IMF) who owes more than \$100,000 in TFRP (MFT 55).
 - Note:** These total amounts are minimums owed on the CDP tax periods for which the CDP request was made and are not total account balances owed.
- c) The taxpayer has two or more tax periods of liability in collection status.
- d) The taxpayer does not qualify for the requested alternative (i.e., Offer in Compromise or Installment Agreement) because the taxpayer has not met the IRM requirements due to unfiled tax returns, lacking current FTDs or estimated tax payments, after having the opportunity to come into compliance; **or** the taxpayer has provided necessary information but Collection and the taxpayer did not reach resolution due to one or more disputed issues; **or** the taxpayer has not provided the necessary financial or other information needed to make an ability to pay determination, even after extended deadlines.

(3) In those extremely rare cases where Collection believes that expedited consideration under RRAP is warranted, but not all criteria in IRM 5.1.9.3.3.2.1(1) or (2) are met, the Collection group manager should contact the Appeals RRAP Technical Coordinator for the area prior to forwarding the case to Appeals. Only with prior approval from the Technical Coordinator can the case be submitted under RRAP contrary to the criteria listed above. Locate the RRAP Technical Coordinator on the Case Routing intranet page under “Internal (Appeals-to-Appeals) Transfers”.

Example: Taxpayers attempting to avoid collection actions through alter-egos, nominees, successor-in-interests, etc. **should** be considered for RRAP.

(4) The following cases do not qualify for RRAP:

- a) Equivalent hearings.
- b) Hearings solely under IRC 6320.
- c) Taxpayer qualifies for Disqualified Employment Tax Levy (DETL) processing.
- d) Levy action can be taken against other periods.
- e) Case is not forwarded to Appeals within 45 calendar days of Collection’s receipt of the taxpayer’s request for a CDP hearing.
- f) Cases not submitted to Appeals using the Electronic Case Receipts (ECR) page.
- g) Cases under control of the Department of Justice are excluded from RRAP.

(5) The following electronic documents will be included with the referral:

- a) Form 14461, Transmittal of CDP/Equivalent Hearing Request,
- b) Form 12153, Request for a Collection Due Process or Equivalent Hearing, or other qualified written request,

- c) Copy of the CDP Notice (Letter 1058 and, if applicable, Letter 3172 and Notice of Federal Tax Lien),
- d) Copy of the envelope (if mailed),
- e) Form 433-A, Form 433-B, or other financial documentation, if available,
- f) Additional documentation/correspondence sent by the taxpayer with the Form 12153,
- g) Any additional documentation/information in the case file pertinent to the issue(s) raised by the taxpayer.

8.22.6.2.1

RRAP Procedures

- (1) The Appeals Team Manager (ATM) assigns the case to a hearing officer within five (5) business days of being notified the work unit is established on the Appeals Centralized Database System (ACDS).
- (2) RRAP cases are subject to the initial review, control and documentation requirements in IRM 8.22.5, Receipt, Control and Pre-Conference Considerations. Also, the hearing officer confirms:
 - Case meets RRAP criteria
 - Loc 9 field = RRAP
 - ACDS feature code = PY
- (3) During review of the case, if you determine that RRAP criteria is no longer met or the case was erroneously determined to have met RRAP criteria by Collection, remove the RRAP designation from ACDS and manage the case under normal CDP procedures. Other situations that will delay resolution may also warrant removing the RRAP designation. Examples include but are not limited to: filing bankruptcy, submitting a processible offer-in-compromise, being located in a federally declared disaster area, or IRS Criminal Investigation (CI) involvement. If you determine it is appropriate to remove the RRAP designation, take the following steps:
 - Remove "RRAP" from the Loc 9 field
 - Remove ACDS feature code "PY"
 - Send an encrypted email to the revenue officer explaining why the case does not meet RRAP criteria
- (4) After completing your initial case review:
 - Contact the taxpayer with a Substantive Contact Letter (SCL) or telephone call within 10 business days of assignment.
 - Generally, a hearing is held within 14 calendar days of the SCL or telephone call. The hearing may be delayed if the facts warrant it.
 - Follow IRM 8.22.5.8.2, No Response Cases, if the taxpayer or representative does not respond to your offer of an Appeals hearing.

- (5) If requesting an Appeals Referral Investigation (ARI) to verify information secured during the hearing, take the following actions:
- a) Issue the ARI to the RO GM. Include a deadline of 45 calendar days.
 - b) Expedite handling of the ARI by sending it via encrypted email to the RO GM.
 - c) All efforts should be made to manage the case electronically, however, if paper documents need to be mailed, note in the email to the RO GM that documents will be sent via overnight mail to the originating RO unless notified by (specify date) that another mailing address should be used.
- (6) Due to the expedited processing of RRAP cases, the RO completes the ARI within 45 calendar days, and returns it to the AO via encrypted email or overnight delivery.

Exception: The RO GM can approve an RO's request for an extension, as warranted. Appeals should promptly be notified of any extensions via encrypted email to the AO. Use caution not to discuss any details of the ARI.

- (7) When closing the RRAP case:
- a) Prepare a Notice of Determination within 14 calendar days of either the date the hearing was held or the last day for the taxpayer to reply to the Letter 4000, Last Opportunity Letter, unless the taxpayer signed a Form 12257, Summary Notice of Determination and Waiver of Judicial Review, or Form 12256, Withdrawal of Request for Collection Due Process or Equivalent Hearing.
 - b) If either a Form 12257 or Form 12256 is secured, prepare the closing documents and forward the case to the ATM within seven (7) calendar days of the receipt.
 - c) Indicate "RRAP case" in the Special Features section of the Form 5402, Appeals Transmittal and Case Memo.
 - d) Forward the case to the ATM for approval.