

Form **8950**
(Rev. November 2017)
Department of the Treasury
Internal Revenue Service

**Application for Voluntary
Correction Program (VCP)**

Under the Employee Plans Compliance Resolution System (EPCRS)
▶ Go to www.irs.gov/Form8950 for instructions and the latest information.

OMB No. 1545-1673
For IRS Use Only

Review the attached Procedural Requirements Checklist before mailing this VCP submission to the IRS.

1a Name of plan sponsor (employer if single-employer plan)

1b Address of plan sponsor (if a P.O. box, see instructions)

1c City or town

1d State

1e ZIP code

1f Foreign country name

1g Foreign province/county

1h Foreign postal code

1i Employer identification number

1j Telephone number

1k Fax number

1l NAICS Business Code

2a Person to contact if more information is needed (see instructions).

(If a Power of Attorney is attached, check box and do not complete lines 2a through 2g.)

Name

2b Address

2c City or town

2d State

2e ZIP code

2f Telephone number

2g Fax number

If more space is needed for any line items, attach additional sheets of the same size as this form. Identify each additional sheet with the plan sponsor's name and EIN and identify the corresponding line item.

Under penalties of perjury, I declare that I have examined this VCP submission, including Form 8950 and all accompanying documents, and, to the best of my knowledge and belief, they and the facts presented in support of this application and submission are true, correct, and complete.

SIGN HERE ▶

Date ▶

This application must generally be signed by the owner of a sole proprietor or by an officer with legal authority to bind a corporation, partnership, or organization. For exceptions, see instructions under *Who Must Sign*.

Type or print name

Type or print title

3 Type of VCP submission (see instructions)
Check one:

- VCP regular submission
- VCP anonymous submission
- VCP group submission
- Non-VCP 457(b) submission (see instructions)

4a Name of plan:

4b Enter 3-digit plan number (see instructions)

4d Enter the dollar value of the plan's assets (see instructions)

4c Enter month plan year ends (MM) (see instructions)

4e Enter number of participants (see instructions)

5 Indicate type of plan by entering the corresponding number from the list below: (Enter only one plan type.)

- 01-Profit sharing (not 401(k))
- 02-401(k)
- 03-Money purchase
- 04-Defined benefit (not cash balance or other statutory hybrid)
- 05-ESOP
- 06-Target benefit
- 07-403(b)
- 08-457(b)
- 09-Cash balance or other statutory hybrid
- 10-Governmental 414(d) defined benefit
- 11-SEP
- 12-SARSEP
- 13-SIMPLE IRA
- 14-Stock bonus
- 15-KSOP
- 16-Group submission defined contribution
- 17-Group submission defined benefit
- 18-SARSEP
- 19-SEP
- 20-Governmental 414(d) defined contribution
- 99-Other (see instructions)

- | 6 | Yes | No | | | | | | | | | | |
|--|--|--|---|--|--|--|--|--|--|--|--|--|
| 6 | <input type="checkbox"/> | <input type="checkbox"/> | <p>Are all qualification failures and correction methods in this VCP submission being resolved by the use of schedules specified on Forms 14568-A through 14568-I?</p> <p>If "Yes," please indicate the specific schedules you are submitting.</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 33%;"><input type="checkbox"/> Form 14568-A, Sch 1</td> <td style="width: 33%;"><input type="checkbox"/> Form 14568-D, Sch 4</td> <td style="width: 33%;"><input type="checkbox"/> Form 14568-G, Sch 7</td> </tr> <tr> <td><input type="checkbox"/> Form 14568-B, Sch 2</td> <td><input type="checkbox"/> Form 14568-E, Sch 5</td> <td><input type="checkbox"/> Form 14568-H, Sch 8</td> </tr> <tr> <td><input type="checkbox"/> Form 14568-C, Sch 3</td> <td><input type="checkbox"/> Form 14568-F, Sch 6</td> <td><input type="checkbox"/> Form 14568-I, Sch 9</td> </tr> </table> | <input type="checkbox"/> Form 14568-A, Sch 1 | <input type="checkbox"/> Form 14568-D, Sch 4 | <input type="checkbox"/> Form 14568-G, Sch 7 | <input type="checkbox"/> Form 14568-B, Sch 2 | <input type="checkbox"/> Form 14568-E, Sch 5 | <input type="checkbox"/> Form 14568-H, Sch 8 | <input type="checkbox"/> Form 14568-C, Sch 3 | <input type="checkbox"/> Form 14568-F, Sch 6 | <input type="checkbox"/> Form 14568-I, Sch 9 |
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| <input type="checkbox"/> Form 14568-C, Sch 3 | <input type="checkbox"/> Form 14568-F, Sch 6 | <input type="checkbox"/> Form 14568-I, Sch 9 | | | | | | | | | | |
| 7 | <input type="checkbox"/> | <input type="checkbox"/> | <p>If you are proposing to correct any section 401(a) or section 403(b) qualification failure, does the correction include a retroactive plan amendment? See instructions.</p> | | | | | | | | | |
| 8 | <input type="checkbox"/> | <input type="checkbox"/> | <p>Has the plan or plan sponsor been party to an abusive tax avoidance transaction? See instructions.</p> <p>If "Yes," attach an explanation that provides details of the transaction (see instructions).</p> | | | | | | | | | |
| 9 | <input type="checkbox"/> | <input type="checkbox"/> | <p>Does the VCP submission relate to the diversion or misuse of plan assets? See instructions.</p> | | | | | | | | | |
| 10 | <input type="checkbox"/> | <input type="checkbox"/> | <p>As of the date this VCP submission is mailed to the IRS, is the plan sponsor or the plan under examination?</p> <p>If "Yes," you are ineligible for VCP (see instructions).</p> | | | | | | | | | |
| 11 | <input type="checkbox"/> | <input type="checkbox"/> | <p>Have you previously filed a Form 5300 series determination letter application for this plan with the IRS that was subsequently closed or withdrawn as a result of a failure to respond to a request for additional information?</p> <p>If "Yes," attach an explanation (see instructions).</p> | | | | | | | | | |

Procedural Requirements Checklist

You do not have to use this checklist, but it may help prevent delayed IRS processing caused by an incomplete submission.

- 1 Is Form 8951, User Fee for Application for Voluntary Correction Program (VCP), under the Employee Plans Compliance Resolution System (EPCRS), attached to Form 8950?
- 2 Is the appropriate user fee for your submission (and a photocopy of the user fee check) attached to Form 8951?
- 3 If appropriate, is Form 2848, Power of Attorney and Declaration of Representative, and/or Form 8821, Tax Information Authorization, attached? For more information, see the annual Employee Plans revenue procedure in effect at the time of the submission.
- 4 Is the employer identification number (EIN) of the plan sponsor/employer (NOT the trust's EIN, or an individual's SSN) entered on line 1i? See *Line 1i* in the instructions.
- 5 Is the application signed and dated? It generally must be signed by an authorized employee or the owner of the plan sponsor. See *Who Must Sign* in the instructions for situations where the signer may be a different person.
- 6 If you are submitting Form 14568, Model VCP Compliance Statement, or any model document schedules using Forms 14568-A through 14568-I, have you used the latest official versions of these forms that are located at www.irs.gov/Retirement-Plans/Correcting-Plan-Errors? The forms may not be modified in any way. See instructions.
- 7 If you answered "Yes" to line 7, have you included a copy of each corrective plan amendment?
- 8 If this is an anonymous VCP submission, have you included a signed statement from the plan sponsor's representative indicating the representative has the legal authorization to make this submission and is willing and able to submit Form 2848 to the IRS upon disclosure of the taxpayer's identity? See instructions.
- 9 If this VCP submission involves an orphan plan, have you included appropriate documentation that establishes that this submission is being made by an eligible party? See instructions.
- 10 Have you included an explanation of how and why the described qualification failures arose? Include a description of the applicable administrative procedures for the plan that were in effect at the time the described failures occurred.
- 11 Have you included a complete description for each qualification failure that is to be resolved by this VCP submission? The narrative description should include the years in which the failure occurred and the number of employees affected.

Note: If you answered "Yes" to line 6, then items 10 through 17 on this checklist do not apply as they have been incorporated into the Form 14568 series (that is, Form 14568 and Forms 14568-A through 14568-I). All applicable items on each of the forms need to be completed, and you must include the enclosure items listed on each applicable form with your VCP submission. The Form 14568 series may be used as a Model VCP Submission Compliance Statement. Forms 14568-A through 14568-I can be used to resolve certain qualification failures. If you combine the model document schedules with the Form 14568, you must specify in each section of Form 14568 the specific model schedules that are being submitted in that section.

Procedural Requirements Checklist (Continued)

- 12** Have you included a detailed description of the method for correcting the failures that the plan sponsor has implemented or proposes to implement to correct each failure described in this VCP submission? Each step of the correction method must be described in narrative form and must include specific information needed to support the proposed correction method. See the current EPCRS revenue procedure in effect at the time the submission is made to the IRS.
- 13** Have you included a description of the administrative measures that have been or will be implemented to ensure that each qualification failure described in this VCP submission does not recur? See the current EPCRS revenue procedure in effect at the time the submission is made to the IRS.
- 14** For each failure involving corrective contributions or distributions, have you included an explanation that provides a detailed narrative explaining the methodology you have used to determine lost earnings and how this is consistent with EPCRS correction principles? See the current EPCRS revenue procedure in effect at the time the submission is made to the IRS.
- 15** For each failure involving corrective contributions or distributions, have you included detailed and specific calculations for each affected employee or a representative sample of affected employees? The sample calculations must be sufficient to demonstrate each aspect of the proposed correction method. See the current EPCRS revenue procedure in effect at the time the submission is made to the IRS.
- 16** For each failure involving participant loans that does not comply with section 72(p) requirements, have you included:
- An explanation that contains a detailed description of the failure;
 - An explanation that requests income tax reporting relief, and/or a request to report the distribution on Form 1099-R in the year of correction instead of the year of failure;
 - For each case in which income tax reporting relief has been requested, detailed calculations and narrative that describe the correction proposal and demonstrate compliance with the requirements set forth in the current EPCRS revenue procedure in effect at the time the submission is made to the IRS?
- 17** For each operational failure that has resulted in certain excise taxes, have you included a request and supporting explanation asking the IRS to waive or not pursue excise tax under section 4972, 4973, 4974, or 4979 or additional income tax under section 72(t), as applicable? Where required, have you included detailed explanations supporting the request? See the current EPCRS revenue procedure in effect at the time the submission is made to the IRS for information as to when such waivers are available.
- 18** Have you included an explanation that describes the method(s) used to locate and notify former employees or beneficiaries? If there are no former employees or beneficiaries affected by the failure described in this VCP submission or the proposed method of correction, have you provided an affirmative statement to that effect? See the current EPCRS revenue procedure in effect at the time the submission is made to the IRS.
- 19** For each failure described in this VCP submission that includes a failure related to transferred assets, as defined in the current EPCRS revenue procedure, have you included an attachment that describes the related employer transaction, including the date of the employer transaction and the date the assets were transferred to the plan? See the current EPCRS revenue procedure in effect at the time the submission is made to the IRS.
- 20** For operational failures, have you included a copy of the plan document (and adoption agreement, if applicable) or applicable provisions of the plan document, that were in effect during the period of failure? See the current EPCRS revenue procedure in effect at the time the submission is made to the IRS.

Procedural Requirements Checklist (Continued)

- 21** For each failure described in this VCP submission that includes a non-amender failure other than a late interim amendment, have you included a copy of the plan document in effect **prior** to any of the amendments used to correct the failure? See the current EPCRS revenue procedure in effect at the time the submission is made to the IRS.
- 22** For each failure being corrected by plan amendments or the adoption of a written plan, have you:
- Included copies of the corrective amendments?
 - Submitted corrective documents that were executed by the plan sponsor (if correcting interim amendment failures or a failure to adopt a written 403(b) plan timely)?
 - Included an explanation that identifies the specific plan language that resolves each specified qualification failure described in the VCP submission (including the page and section of the plan document that includes the specific plan language), if a restated plan document is being submitted as evidence of correction?
- 23** If the plan in this VCP submission is a 403(b) plan, has a written attachment been included that contains the following items?
- A statement as to the type of employer (for example, a tax-exempt organization described in section 501(c)(3)) that is making the VCP submission; and
 - A statement indicating that the plan sponsor has contacted all other entities involved with the plan and has been assured of cooperation to the extent necessary to implement the applicable correction.
- 24** If you wish to receive an acknowledgement letter that the IRS has received your Form 8950 and VCP submission, have you included an IRS Letter 5265, Form 8950 Application for Voluntary Correction Program Acknowledgement Letter, with your submission? See the current EPCRS revenue procedure in effect at the time the submission is made to the IRS.
- 25** Have you assembled your submission as described in the current EPCRS revenue procedure in effect at the time the submission is made to the IRS?
- 26** Is this VCP submission limited to a minor modification to a previously issued compliance statement, as described in the current EPCRS revenue procedure in effect at the time the submission is made to the IRS?
- If "Yes," have you included the following items?
- An attachment describing the modification;
 - A copy of the original compliance statement;
 - A copy of the original VCP submission;
 - Any other correspondence relating to the issuance of the original compliance statement, if applicable; and
 - An attachment indicating that the modification request is being mailed to the IRS before the end of the correction period specified in the original compliance statement.