

Request for Change in Plan/Trust Year

OMB No. 1545-0201
 Expires 7-31-87

(Under Code Section 412(c)(5))

This Form Replaces Form 1128 for Employee Plans

**To be Filed
 in Duplicate**

Please type or print	Name of employer (or plan administrator if a multiple employer plan)	Employer identification number	
	Address (number and street) of employer (or plan administrator if a multiple employer plan)	Check one or both: Change in plan year <input type="checkbox"/> ► Change in trust year <input type="checkbox"/> ►	
	City or town, State and ZIP code		
1	Name of plan and/or trust	2	Plan number (enter each digit in a separate block) <input type="text"/>
3	Present plan and/or trust year ends	4 Permission is requested to change to a plan and/or trust year ending	
5	The above change will require a return for a short period Beginning 19 <input type="text"/> Ending 19 <input type="text"/>	6 Return for short period will be filed with the Internal Revenue Service Center at	
7	Date of latest IRS determination letter (or opinion letter if the plan is an HR-10 Master or Prototype Plan)	8 Area code and telephone number	
9 State the reasons for requesting the change. (Attach a separate sheet if more space is needed.)			

10 Is the plan a profit-sharing, stock bonus, insurance contract (described in section 412(i)), governmental, or a church plan (described in section 414(e))? **Yes** **No**
 If "Yes," see instructions, Who Must File.

11 Enter the unrelated business taxable income* (or loss) of the trust for the 3 tax years immediately before the short period and for the short period. If necessary, estimate the amount for the short period.

3rd preceding year	2nd preceding year	1st preceding year	Short period

*See section 511 and the instructions on the back of this form.

12 Has the plan and/or trust year previously been changed? **Yes** **No**
 If "Yes," give date, reason for prior change, and beginning and end of the prior short period **►** _____

Signature

Under penalties of perjury, I declare that I have examined this application (including any accompanying schedules and statements), and to the best of my knowledge and belief it is true, correct, and complete.

Official's signature _____ Title _____ Date _____

Make NO Entries Below—For Internal Revenue Service Use ONLY

► Approval Action

Based solely on the information furnished in this application, the requested change in the plan and/or trust year indicated above is approved and may be made subject to conditions 1 through 5 listed on the back of this form.

 Chief, Employee Plans Rulings and Qualifications Branch Date

Person to contact **►**
 Phone **►**
 Symbols **►**
 Internal Revenue Service
 Washington, DC 20224

► Disapproval Action

This application cannot be approved for the following reason:

Not timely filed.
 Other **►** _____

 Chief, Employee Plans Rulings and Qualifications Branch Date

Person to contact **►**
 Phone **►**
 Symbols **►**
 Internal Revenue Service
 Washington, DC 20224

Instructions

(Section references are to the Internal Revenue Code.)

Paperwork Reduction Act Notice

The Paperwork Reduction Act of 1980 says that we must tell you why we are collecting this information, how it is to be used, and whether your response is voluntary, required to obtain a benefit, or mandatory. We ask for the information to carry out the Internal Revenue Laws of the United States. We need it to determine if you may change your plan or trust year. You are required to give us this information.

Who Must File

Employers or plan administrators must file Form 5308 to change their plan years under section 412(c)(5) or trust years for trusts related to the plans, under section 442.

If you file Form 5308, you may not change the plan or trust year until IRS approves the change. Rev. Procs. 76-9, 1976-1 C.B. 547, and 76-10, 1976-1 C.B. 548, do not apply to employee plans.

Note: The change in plan or trust year does not affect the limitation year or definition of year of service contained in the plan unless other appropriate action is taken.

You do not need to file Form 5308 to change the plan year of a profit-sharing plan, stock bonus plan, insurance contract (described in section 412(i), governmental plan, or church plan (described in section 414(e)). However, you must file Form 5308 to change the trust year related to these plans.

Conditions That Apply to the Change

1. You must make the change by filing an annual return for the short period by the last day of the 7th month after the end of the short period.

2. You must file annual returns for later years based on a full 12-month period ending on the last day of the new plan and/or trust year.

3. The plan or trust must keep its qualified status for the short period required to make the change, as well as for the tax year immediately before the short period.

4. If you file Form 5308 before the end of the short period, the amount of unrelated business taxable income from the time of filing to the end of the short period must not differ from the amount shown on line 11. (See instructions regarding unrelated business taxable income.)

5. If the plan or trust contains provisions that conflict with the approved change, you must make appropriate amendments.

Plan and Trust Year Changes

If you are changing both the plan year and the trust year, and the two currently have different years, or different years are desired, you must make each request on a separate Form 5308.

Reason for Requesting the Change

A change in plan or trust year will be approved only if there is a substantial business reason for requesting the change. In determining whether a substantial business purpose has been established for making the requested change, consideration will be given to all facts and circumstances relating to the change, including whether the change is being made merely to delay the effective date of any tax statute. Furthermore, a substantial business purpose cannot be established if change would create a substantial distortion of income. The business reason must be specifically stated on line 9. Not establishing a substantial business reason is grounds for denying the change.

Unrelated Business Taxable Income

An exempt trust may have unrelated business taxable income under section 511. If the plan is not funded by a trust or if the trust has no unrelated business taxable income, enter "None" on line 11. If you file Form 5308 before the end of the short period, the amount of unrelated business taxable income from the time of filing to the end of the short period must match the amount you enter on line 11. If it does not, you must submit a new request on Form 5308. (Since an inaccurate estimate of unrelated business taxable income during the short period will require a new application, it is advisable to file Form 5308 after the end of the short period, if the trust might have unrelated business taxable income during that period.)

Time and Place for Filing

File this form **in duplicate** with the Commissioner of Internal Revenue, Washington, DC 20224, Attention: OP:E:EP:RQ, by the 15th day of the second calendar month after the end of the short period required to make the change.

On each attachment show the plan's or trust's name, identifying number, and address. Also show the date, and the fact that it is an attachment to Form 5308.

If an agent is making an application on behalf of a taxpayer, a power of attorney must be included specifically authorizing the agent to represent the taxpayer. **Form 2848**, Power of Attorney And Declaration of Representative, may be used for this purpose.

Information Requested

You must furnish all of the applicable information requested. Otherwise, your request may not be approved.

Signature

An application for a single employer plan must be signed by the employer. An application for a plan of more than one employer must be signed by the plan administrator.

Change in Funding Methods

Do not file Form 5308 to change your plan's funding method. See Rev. Proc. 78-37, 1978-2 C.B. 540.