

Distributable Benefits from Employee Pension Benefit Plans

OMB No. 1545-0202
 Expires 4-30-94

▶ Attach to application for determination—regarding a plan termination.

**This Form Is NOT Open
 to Public Inspection**

Line No.	Participant's last name and initials (see instructions)	Check if highly compensated (b)	Fill in columns		Compensation			Distributable Benefits		Defined contribution plans other than money purchase plans enter the forfeitures for all full years of service or for the last 10 years, whichever is less. Defined benefit plans see instructions.	Defined contribution and defined benefit plans see instructions.
			Years of participation (see instructions)	Age at plan termination							
			(a)	(c)	(d)	(e)	(f)	(1)	(2)		
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26	Totals for above.										
27	Totals for all other participants not listed on lines 1 through 25										
28	Totals for lines 26 and 27										

General Instructions

(Section references are to the Internal Revenue Code unless otherwise noted.)

Purpose of Form.—This form is to be used by the Internal Revenue Service in its analysis of an application for determination if a terminating plan of deferred compensation qualifies under section 401(a) upon termination.

Who Must File.—Every sponsor or plan administrator of a defined contribution or defined benefit plan who files an application for an Internal Revenue Service (IRS) determination letter regarding a plan termination is required to attach Form(s) 6088, which must be completed in detail.

For collectively bargained plans a Form 6088 is required only if the plan covers employees of the representative labor union(s) or of any plan(s) for union members, and if so, a separate Form 6088 is required for each such union or plan. For a plan described in section 413(c), other than a collectively bargained plan, maintained by more than one employer (where all employers in each affiliated service group, controlled group of corporations, or group of trades or businesses under common control are considered one employer), a separate Form 6088 is required for each such employer.

Prepare the participant census as of the date of termination or proposed termination.

Public Inspection.—Section 6104(a)(1)(B) provides generally that applications, filed with respect to the qualification of a pension, profit-sharing, or stock bonus plan, shall be open to public inspection. However, section 6104(a)(1)(C) provides that information concerning the compensation of any participant shall not be open to public inspection. Consequently, the information contained in this form shall not be made available to the public, including plan participants and other employees of the employer who established the plan.

Specific Instructions

Column (a).—First list any participant who at any time during the 5-year period prior to the date of plan termination or proposed plan termination date owned directly or indirectly 5% or more of the voting stock or 5% or more (whether or not nonforfeitable) of the business. Next list the remaining participants in order of current compensation (see Note 2 and instructions for column (e)) starting with the highest-paid participant followed by the next highest-paid, and so on. If there are fewer than 25 participants, list all the participants. Otherwise, only the first 25 who fall under the priorities listed above need be listed on lines 1 through 25.

Note 1: For purposes of this form, “participant” means any individual who satisfied the participation requirements prescribed by the plan and who is entitled to receive benefits under the plan. Included are employees as of the proposed date of plan termination with accrued nonvested benefits and individuals no longer employed as of the proposed date of plan termination but entitled to future benefits under the plan.

Note 2: “Compensation” for purposes of columns (a), (e), and (g) is defined as all amounts (including bonuses and overtime) paid to the participant for services rendered the employer.

Column (b).—Enter a checkmark or an “X” to indicate that a participant is a highly compensated employee under section 414(q). Enter N/A if the participant is not a highly compensated employee.

Column (c).—List years of participation prior to the earliest of proposed date of plan termination, retirement, or separation from employment.

Column (d).—List the age of each participant at plan termination.

Column (e).—Current 12-month period can be the last calendar or plan year ending before the proposed date of plan termination or the 12-month period ending on the proposed date of plan termination. For participants no longer employed as of the proposed date of plan termination, compensation as defined in Note 2 above is that received for the applicable period immediately before the earlier of retirement or separation from employment.

Column (f).—Determine average compensation by dividing compensation for all years of participation or for the last 5 years of participation, whichever is less, by the lesser of 5 or the number of years of participation entered in column (c). For participants no longer employed as of the proposed termination date, use compensation and years of participation prior to the earliest of the proposed date of plan termination, retirement, or separation from employment.

Column (g).—Defined contribution plans list under (1) the total account balance of each participant attributable to employer contributions. Under (2) list the total account balances attributable to employee contributions.

Defined benefit plans: Under (1) list amounts allocated in accordance with section 4044(a)(1), (2), (3), and (4)(A) of the Employee Retirement Income Security Act of 1974. Under (2) list all other allocated amounts. If the sum of the amounts in columns (g)(1) and (g)(2) does not equal line 18l of Form 5310, attach an explanation of the difference.

Column (h).—Defined benefit plans list present value of total accrued benefit (whether or not nonforfeitable) as of date plan assets are proposed to be distributed or as of the proposed date of plan termination for plans to be trustee by PBGC. Also attach a statement explaining how the present values were determined. This statement should indicate the interest rate used to compute the present value of total accrued benefit.

Column (i).—Defined contribution plans enter amount determined by dividing the amount in column (g)(1) by the product of columns (c) and (f):

$$\frac{(g)(1)}{(c) \times (f)}$$

Defined benefit plans enter the ratio of distributable benefits to present value of accrued benefit:

$$\frac{(g)(1) + (g)(2)}{(h)}$$