

Employee Plans News

Issue 2014-9, June 17, 2014

[Revised Voluntary Correction Program forms](#) – use new fill-in Forms 14568, and 14568-A - 14568-I

[Retirement plans after Windsor phone forum](#) – (live on June 26 at 2 p.m. EDT; rebroadcast on July 8 at 2 p.m. EDT) – how the Windsor decision and recent guidance affect spousal provisions in qualified retirement plans

[Requesting copies of plan documents](#) – how to request copies of documents in determination letter application files

[Accepting rollover contributions](#) – use due diligence examples in new revenue ruling to verify rollovers are from a qualified plan or IRA

Requesting Copies of Plan Documents in Determination Letter Applications

You may request a copy of a retirement plan's determination letter application and certain other related documents from the IRS. Generally, the application file includes the:

- plan document, including any amendments or restatements;
- correspondence related to the application; and
- determination letter issued by the IRS for the plan.

The IRS can't disclose the following types of information that may be in the application file:

- participant names or compensation;
- voluntary correction program or examination issues, if present;
- any other communication that doesn't directly support the application; or
- any information the IRS determines may adversely affect national defense.

An applicant may also request non-disclosure of information pertaining to a trade secret, patent, process, style of work, or apparatus if the applicant would be adversely affected by its disclosure.

Who may request a copy of the determination letter application?

For plans with:

- **more than 25 participants** - anyone may request a copy
- **25 or fewer participants** - only the following or their designed Power of Attorney may request a copy:
 - the employer;
 - current plan participants;
 - former employees, such as certain retired and terminated employees who have a vested right to plan benefits; or
 - beneficiaries of deceased former employees who are receiving benefits or are entitled to receive future plan benefits.

The IRS uses the plan's most recently filed Form 5500-series return to determine the number of plan participants.

How do I request a copy?

Your written request for a copy of the application should:

1. State you're making the request under Internal Revenue Code Section 6104.
2. Identify the name, address, Employer Identification Number (EIN) of the organization and the plan number (if known).
3. Identify the documents you're requesting (for example, a copy of the plan, amendments or the complete application filed on a certain date).
4. Include your name, address, telephone number and relationship to the plan.
5. Indicate if you'd like to be notified in advance if the fees (see below for costs) for your request exceed a certain amount so you can modify or withdraw your request, and avoid additional correspondence and delay.

Mail your written request to:

Internal Revenue Service Customer Service
Tax Exempt & Governmental Entities Division – EP
P.O. Box 2508 Room 4010
Cincinnati, Ohio 45201

What is the cost?

Generally, the cost is 20 cents per page after the first 100 pages. For larger orders, we may also charge \$21.00 per hour research time. The exact cost depends on both the categories of:

- users, and
- services

(Internal Revenue Manual Sections [11.3.5](#) and [11.3.10](#), and Treas. Regs Section [601.702](#))

When can I expect a response?

The average processing time is 60 days. However, we'll contact you if we can't locate the documents or have other problems processing your request.

How do I show I'm a plan participant?

Please provide any information you have showing you're entitled to benefits from the plan, for example a:

- copy of your annual benefits statement
- W-2 showing you're an current participant in the plan

How long does the IRS retain applications?

We're required to maintain applications for 10 years; application packages older than that are securely destroyed (Internal Revenue Manual Section [1.15.24 and Exhibit 1.15.24-1](#)).

Additional resources

- [Determination Letters – Need a Copy or a Correction?](#)
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Accepting Rollover Contributions

Plan administrators accepting distributions from tax-qualified plans and IRAs now have simpler due diligence procedures. The new procedures in [Revenue Ruling 2014-9](#) include these examples:

- A plan participant delivering a check made payable to the plan administrator of the recipient plan and certifying the eligibility of the funds as rollover contributions.
- Plan administrators verifying the payment's source (on the rollover check or wire transfer) as the participant's IRA or former retirement plan.
- Plan administrators researching the Department of Labor's EFAST2 database for the former plan's Form 5500 filing to verify that the plan was a tax-qualified plan.

The [instructions](#) for line 19c of [Form 5310](#), *Application for Determination for Terminating Plan*, mention one way of satisfying the due diligence for accepting rollover contributions, but don't provide a full list. Plan administrators should see Revenue Ruling 2014-9 for a complete list of due diligence examples for accepting rollovers.

Additional resources

- [Verifying rollover contributions](#)
- [Rollovers of retirement plan and IRA distributions](#)
- [Rollover chart](#) – permissible retirement plan rollover transactions
- [Internal controls protect your retirement plan](#)
- [Tax information for retirement plan sponsors](#)