

Examination Referral Checksheet

(To be completed by EP Examiners for referral to PBGC)

Note: The following information is to be provided for all plans which appear to be covered under the provisions of Title IV of ERISA.

Plan Name	Plan Sponsor EIN	
	Plan Number	
Plan Sponsor (Name and address)	Plan Year(s) Examined	
	Effective Date of Plan	
Telephone No. and Area Code	Total Participants	As of (Date)

Plan Entity Single Employer Multi-employer
Note: All reportable events under section 4043 of ERISA have been waived for multi-employer plans.

Plan Examination Items <i>(Do not check the answer in either column if the answer is unknown or uncertain)</i>	Check one.	
1. a. For the last plan year ending on or before the end of the period examined were there any missed minimum funding payments of \$1,000,000 or more? b. If "yes", enter the amount of the accumulated funding deficiency for the last plan year examined. \$ _____	No <input type="checkbox"/>	Yes <input type="checkbox"/>
2. a. Is the plan terminated? <i>(Note: Under ERISA section 4041(f), amending a plan from a defined benefit plan to a defined contribution plan constitutes a termination.)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No b. If "yes", has PBGC been notified of the termination?.....	Yes <input type="checkbox"/>	No <input type="checkbox"/>
3. a. During the plan year(s) examined, did one or more of the events requiring notice under ERISA sections 4043, 4062(e) or 4063(a) occur which was not reported to PBGC as required? <i>(See instructions for reporting requirements.)</i> b. If "yes", which non-reported event(s) occurred? <input type="checkbox"/> 4043(c)(3) <input type="checkbox"/> 4043(c)(9) <input type="checkbox"/> Loan Default <input type="checkbox"/> 4043(c)(5) <input type="checkbox"/> 4043(c)(10) <input type="checkbox"/> Application for Minimum Funding Waiver <input type="checkbox"/> 4043(c)(6) <input type="checkbox"/> 4043(c)(11) <input type="checkbox"/> Other _____ <input type="checkbox"/> 4043(c)(7) <input type="checkbox"/> 4043(c)(12)	No <input type="checkbox"/>	Yes <input type="checkbox"/>
4. Was a PBGC Form 1 filed for the last year under examination?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Remarks _____

Examining Employee	Date Prepared	Area Office	Telephone No. and Area Code
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Instructions for Form 6533

The Service will prepare checksheets on every examination of defined benefit plans except those plans that are not covered by Title IV of ERISA (*e.g. professional service employer plans that have not had more than 25 active participants at any time.*)

If one or more of the answers in the right-hand column is checked, the completed checksheet and a copy of the Form 5500 must be referred to PBGC.

Checksheets should be forwarded to PBGC at the following address:

Pension Benefit Guaranty Corporation - Chief Negotiating Actuary
Corporate Finance and Negotiations Department
1200 K St. NW; Suite 270
Washington, DC 20005-4026

If none of the boxes are checked in the right-hand column, do not refer to the checksheet to PBGC. The checksheet should remain with the return.

Plan Entity - The single employer box should be checked for plans shown as either single employer, controlled group or multiple (other) on the Form 5500 series return.

Item 1 - Minimum funding waiver credits and debits should be considered when determining whether there is an accumulated funding deficiency.

Item 3 - See ERISA 4043(c) for reportable events. See also PBGC Form 10 which can be accessed at www.pbgc.gov.

ERISA 4043(c)(3) - Active Participant Reduction

Refer when the number of active participants under the plan is less than 80 percent of the number of active participants at the beginning of the plan year, or is less than 75 percent of the number of active participants at the beginning of the previous plan year. See 29 CFR Sec. 4043.23.

ERISA 4043(c)(5) - Failure to Make Required Minimum Funding Payments

Refer when the plan fails to meet the minimum funding standards under Section 412 of the Internal Revenue Code or section 302 of ERISA (*including a payment required as a condition of a funding waiver*). There is no reportable event under ERISA Section 4043(c)(5) merely because a minimum funding waiver was granted by the IRS for the period and amount involved. See 29 CFR Sec. 4043.25.

ERISA 4043(c)(6) - Inability to Pay Benefit When Due

Refer when the plan is currently unable, or projected to be unable to pay benefits. A plan is currently unable to pay benefits if the plan fails to provide any participant or beneficiary the full benefits to which the person is entitled under the terms of the plan, at the time the benefit is due and in the form in which it is due. A plan is projected to be unable to pay benefits when, as of the last day of any quarter, liquid assets are less than two times the disbursements for the quarter. See 29 CFR Sec. 4043.26.

ERISA 4043(c)(7) - Distribution to a Substantial Owner

Refer when the total of all distributions from the plan during a 12-month period to a substantial owner (*sole proprietor or 10% or more partner/shareholder*), exceed the limit under IRC 415(b)(1)(A) and the plan has unfunded nonforfeitable benefits immediately after the distribution. See 29 CFR Sec. 4043.27.

ERISA 4043(c)(9) - Change in Contributing Sponsor or Controlled Group

Refer when there is a transaction that results in one or more persons ceasing to be a member of the controlled group. See 29 CFR Sec. 4043.29.

ERISA 4043(c)(10) - Liquidation/Bankruptcy/Settlement

Refer when the plan sponsor or member of the controlled group is involved in any transaction to liquidate or dissolve, including liquidation under the Bankruptcy Code or settlement with creditors. See 29 CFR Sec. 4043.30 and Sec. 4043.35.

ERISA 4043(c)(11) - Extraordinary Dividend or Stock Redemption

Refer when the plan sponsor or controlled group member declares a dividend or redeems its own stock, if the resulting distribution is a reportable cash distribution, non-cash distribution, or combined distribution as described in PBGC Form 10. See 29 CFR Sec. 4043.31.

ERISA 4043(c)(12) - Transfer of Benefit Liabilities

Refer when in any 12-month period, an aggregate of 3% or more of the benefit liabilities are transferred to a person that is not a member of the controlled group. See 29 CFR Sec. 4043.32.

Loan Default

In general, a referral should be made whenever there is a default by the plan sponsor or a controlled group member with respect to a loan with an outstanding balance of \$10 million or more. See 29 CFR Sec. 4043.34.

Application for Minimum Funding Waiver

Refer when an application for a minimum funding waiver is submitted for a plan under ERISA Sec. 303. See 29 CFR Sec. 4043.33.