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TAX EXEMPT AND
GOVERNMENT ENTITIES
DIVISION

DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

Uniform Issue List 408.00-00

JUN 26 2007

T: EP: RA: UK

Legend:

Bank A =

Company B =

Date E =

Date F =

Date G =

Amount H =

IRA X =

IRA Y =

Account Z =

Dear

This is in response to your request dated April 12, 2006, submitted by your authorized representative, for a ruling to waive the 60-day rollover requirement contained in section

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408(d)(3) of the Internal Revenue Code (the "Code"). Correspondence dated December 1, 2006, and May 1, 2007, supplemented the request.

You represent that you received a distribution of Amount H from IRA X. You assert that your failure to accomplish a rollover within the 60-day period prescribed by section 408(d)(3) of the Code was due to an error on your part in transferring the distribution.

Under penalty of perjury, your authorized representative has submitted the following facts and representations:

You are years old and maintained IRA X with Bank A, and IRA Y with Company B. On Date E, 2005 you requested and received a distribution of Amount H from IRA X. On Date F, 2005, you wrote a check to Company B and requested that the money be deposited in Account Z, a non-IRA account. Your representative has stated that you did not have anyone review the transaction and that you entered the wrong account number by mistake, when you remitted the check to Company B. On or about Date G, 2006, you noticed that Amount H was not in IRA Y.

Based on the facts and representations, you request that the Internal Revenue Service waive the 60 day rollover requirement contained in section 408(d)(3) of the Code, with respect to the distribution of Amount H from IRA X. because the failure to waive such requirement would be against equity or good conscience.

Section 408(d)(1) of the Code provides that, except as otherwise provided in section 408(d), any amount paid or distributed out of an IRA shall be included in gross income by the payee or distributee, as the case may be, in the manner provided under section 72 of the Code.

Section 408(d)(3) of the Code defines, and provides the rules applicable to IRA rollovers.

Section 408(d)(3)(A) of the Code provides that section 408(d)(1) of the Code does not apply to any amount paid or distributed out of an IRA to the individual for whose benefit the IRA is maintained if

(i) the entire amount received (including money and any other property) is paid into an IRA for the benefit of such individual not later than the 60th day after the day on which the individual receives the payment or distribution; or

(ii) the entire amount received (including money and any other property) is paid into an eligible retirement plan (other than an IRA) for the benefit of such individual not later than the 60th day after the date on which the payment or distribution is received, except that the maximum amount which may be paid into such plan may not exceed the portion of the amount received which is includible in gross income (determined without regard to section 408(d)(3)).

Section 408(d)(3)(B) of the Code provides that section 408(d)(3) does not apply to any amount described in section 408(d)(3)(A)(i) received by an individual from an IRA if at any

time during the 1-year period ending on the day of such receipt such individual received any other amount described in section 408(d)(3)(A)(i) from an IRA which was not includible in gross income because of the application of section 408(d)(3).

Section 408(d)(3)(D) of the Code provides a similar 60-day rollover period for partial rollovers.

Section 408(d)(3)(I) of the Code provides that the Secretary may waive the 60-day requirement under sections 408(d)(3)(A) and 408(d)(3)(D) of the Code where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement. Only distributions that occurred after December 31, 2001, are eligible for the waiver under section 408(d)(3)(I) of the Code.

Rev. Proc. 2003-16, 2003-4 I.R.B. 359 (January 27, 2003) provides that in determining whether to grant a waiver of the 60-day rollover requirement pursuant to section 408(d)(3)(I), the Service will consider all relevant facts and circumstances, including: (1) errors committed by a financial institution; (2) inability to complete a rollover due to death, disability, hospitalization, incarceration, restrictions imposed by a foreign country or postal error, (3) the use of the amount distributed (for example, in the case of payment by check, whether the check was cashed); and (4) the time elapsed since the distribution occurred.

You have not presented any evidence to the Service as to how any of the factors outlined in Rev. Proc. 2003-16 affected your ability to timely roll over Amount H, or any portion thereof, to IRA Y. It is represented that you did not have anyone review the deposit form before you sent it to Company B, and that you did not notice that the money was marked to go into a non-IRA account. However, no documentation was submitted on your behalf which would demonstrate that you were incapable of handling your financial affairs in an appropriate manner during the relevant time period, or that the failure to deposit Amount H into an IRA, within the 60-day rollover period, was beyond your control.

Therefore, pursuant to section 408(d)(3)(I) of the Code, the Service declines to waive the 60-day rollover requirement with respect to the distribution of Amount H. Thus, your contributing Amount H, or any portion thereof, into an IRA will not be considered a valid rollover because the 60-day requirement under section 408(d)(3) of the Code with respect to such distribution/contribution will not be satisfied.

No opinion is expressed as to the tax treatment of the transaction described herein under the provisions of any other section of either the Code or regulations which may be applicable thereto.

This letter is directed only to the taxpayer who requested it. Section 6110(k)(3) of the Code provides that it may not be used or cited as precedent.

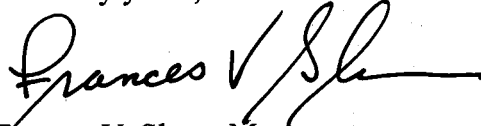
In accordance with a power of attorney on file with this office, a copy of this letter ruling is being sent to your authorized representative.

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If you wish to inquire about this ruling, please contact (ID) at ()
Please address all correspondence to SE:T:EP:RA:T:3.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Frances V. Sloan", with a long horizontal flourish extending to the right.

Frances V. Sloan, Manager,
Employee Plans Technical Group

Enclosures:

Deleted copy of ruling letter
Notice of Intention to Disclose

CC: