DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, DC 20224

TAX EXEMPT AND
GOVERNMENT ENTITIES
DIVISION

Release Number: 202647013
Release Date: 11/20/26
Uniform Issue List 408.03-00

August 24, 2026

LEGEND

Taxpayer A	=
IRA B	=
Insurance Company C	=
Investment Firm D	=
Bank E	=
Financial Advisor F	=
Financial Advisor G	=
Amount 1	=
Date 1	=
Date 2	=
Date 3	=
Year 1	=

Dear :

This letter is in response to your request dated March 9, 2026, supplemented by correspondence dated March 20, 2026, and August 3, 2026, submitted on your behalf by your authorized representative in which you request a waiver of the 60-day rollover requirement contained in section 408(d)(3) of the Internal Revenue Code (the "Code).

You submitted, under penalties of perjury, the following facts and representations in support of your ruling request.

Taxpayer A represents that on Date 2, he withdrew Amount 1 from IRA B, an annuity contract under section 408(b) of the Code, which was maintained by Insurance Company C. Taxpayer A asserts that he was unable to accomplish a rollover of Amount 1 within the 60-day period prescribed by section 408(d)(3) due to financial errors by Financial Advisor F and Financial Advisor G of Investment Firm D. Taxpayer A also represents that Amount 1 has not been used for any other purpose.

On Date 1, Insurance Company C acknowledged a request from Taxpayer A for a partial surrender of IRA B. Taxpayer A represents that he intended to reinvest the funds distributed into a rollover IRA which was not an annuity.

On Date 2, Taxpayer A withdrew Amount 1 from IRA B and deposited the funds in Taxpayer A's account with Bank E.

On Date 3, Taxpayer A transferred funds from Bank E to Investment Firm D, with the assistance of Financial Advisor F and Financial Advisor G with Investment Firm D. However, Financial Advisors F and G incorrectly deposited the funds into a money market account.

Taxpayer A represents that the distribution was intended to be deposited into an IRA and that he instructed Financial Advisors F and G to open a rollover IRA.

Taxpayer A discovered the funds were incorrectly deposited in a non-IRA account when he received the Form 1099-R for Year 1, which indicated a taxable distribution.

Based on the facts and representations, you request a ruling 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 1 from IRA B on Date 2.

Section 408(a) of the Code defines an individual retirement account to mean a trust created or organized in the United States and requires that the trustee be a bank or an approved non-bank trustee.

Section 408(b) of the Code defines an individual retirement annuity to include an annuity contract that is issued by an insurance company and satisfies certain requirements.

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)(E) of the Code provides that the rollover provisions of section 408(d) do not apply to any amount required to be distributed under section 408(a)(6).

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.

Section 3.02 of Revenue Procedure 2003-16, 2003-4 I.R.B. 359 ("Rev. Proc. 2003-16"), provides that the Service will issue a ruling waiving the 60-day rollover requirement in cases 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 taxpayer. In determining whether to grant a waiver of the 60-day rollover

requirement pursuant to section 408(d)(3)(I) of the Code, 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.

The information and documentation submitted are consistent with Taxpayer A's assertion that he was unable to accomplish a rollover of Amount 1 within the 60-day period prescribed by section 408(d)(3) of the Code because of financial errors by Financial Advisor F and Financial Advisor G of Investment Firm D, which resulted in the distribution being deposited into a non-IRA account.

Therefore, pursuant to section 408(d)(3)(I) of the Code, the Service hereby waives the 60-day rollover requirement with respect to the distribution of Amount 1 from IRA B on Date 2. Taxpayer A is granted a period of 60 days from the issuance of this ruling letter to contribute Amount 1 into a rollover IRA. Provided all other requirements of section 408(d)(3) of the Code, except the 60-day requirement, are met with respect to such contribution, Amount 1 will be considered a rollover contribution within the meaning of section 408(d)(3) of the Code.

This ruling does not authorize the rollover of amounts that are required to be distributed by section 401(a)(9) of the Code.

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.

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

If you wish to inquire about this ruling, please contact Badge No. , at . Please address all correspondence to SE:T:EP:RA:T1.

Sincerely,

Frederick L. Parker, Manager,
Employee Plans Technical Group 1

Enclosures:
Deleted copy of this letter
Letter 437 Notice of Intention to Disclose

Cc: