

Form **8950**
(August 2012)
Department of the Treasury
Internal Revenue Service

Application for Voluntary Correction Program (VCP)

Under the Employee Plans Compliance Resolution System (EPCRS) For
the instructions and any other information, see www.irs.gov/8950

OMB No. 1545-0202
For IRS Use Only

Review the Procedural Requirements Checklist at the end of this application before submitting this application.

1a Name of plan sponsor (employer if single-employer plan)

1b Address of plan sponsor (if a P.O. Box, see instructions)

1c City

1d State

1e ZIP code

1f Country

1g Employer identification number

1h Telephone number

1i Fax number

2a Name of applicant's representative. Attach Form 2848, Power of Attorney and Declaration of Representative, if applicable; if not filing Form 2848, list an employee of the plan sponsor to contact should more information be needed (see instructions). If you wish an individual to receive copies of correspondence related to this application and VCP submission, attach Form 8821, Tax Information Authorization. This individual is not a representative and cannot be listed as a contact if more information is needed.

Name of representative and representative's firm

2b Representative/contact person's address

2c City

2d State

2e ZIP code

2f Telephone number

2g Fax number

2h Email address

If more space is needed for any line item, attach additional sheets the same size as this form. Identify each additional sheet with the plan sponsor's name and EIN and identify the corresponding item.

Under penalties of perjury, I declare that I have examined this application and attached VCP submission, including accompanying documents, and to the best of my knowledge and belief, they and the facts presented in support of this application and submission are true, correct, and complete.

SIGN HERE ►

_____ This application must be signed by the owner or authorized employee of the plan sponsor. In certain situations it may be a different person. See instructions under *Who May File* and *Lines 1a-f*.

Date ►

Type or print name

Type or print title

3 Type of Voluntary Correction Program submission. (See instructions)

Check one:

- Regular submission
- Anonymous submission
- Group submission
- Other submission (as allowed by Revenue Procedure (Rev. Proc.) 20XX-XX, section 4.09)

4a Name of plan (plan name may not exceed 132 characters, including spaces):

4b Enter 3-digit plan number
(see instructions)

4d Enter the dollar value of the
plan's assets (see instructions)

4c Enter month plan year ends
(MM) (see instructions)

4e Enter number of participants
(see instructions)

5 Indicate type of plan by entering the number from the list below: (Enter only one plan type)

- 01-Profit sharing (no 401(k)) 11-SEP
- 02-401(k) 12-SARSEP
- 03-Money purchase 13-SIMPLE IRA
- 04-Defined benefit but not cash balance 14-Stock bonus
- 05-ESOP 15-KSOP
- 06-Target benefit 16-Group submission defined contribution
- 07-403(b) 17-Group submission defined benefit
- 08-457(b) 99-Other (see instructions)
- 09-Cash balance or defined contribution/defined benefit hybrid
- 10-Government 414(d) defined benefit plan
- 20-Government 414(d) defined contribution

Yes **No**

6 Are **all** qualification failures and correction methods in this VCP submission being resolved by the use of the Appendix C Part II Schedules?

If "Yes," please indicate the specific Schedules you are submitting from the list below by checking the applicable boxes.

- | | | |
|-------------------------------------|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> Schedule 1 | <input type="checkbox"/> Schedule 6 | <input type="checkbox"/> Schedule 11 |
| <input type="checkbox"/> Schedule 2 | <input type="checkbox"/> Schedule 7 | <input type="checkbox"/> Schedule 12 |
| <input type="checkbox"/> Schedule 3 | <input type="checkbox"/> Schedule 8 | |
| <input type="checkbox"/> Schedule 4 | <input type="checkbox"/> Schedule 9 | |
| <input type="checkbox"/> Schedule 5 | <input type="checkbox"/> Schedule 10 | |

7a Are you proposing to or have you corrected any section 401(a) plan document, operational or employer eligibility failures (as defined in Rev. Proc. 20XX-XX, section 5.01(2)) with a retroactive plan amendment?

7b If 7a was "Yes," have you concurrently submitted a determination letter application (see instructions)?

If 7a was "No," please attach an explanation as to why such determination letter application was not submitted.

7c If 7a was "Yes," indicate the plan's determination letter application cycle as determined by Rev. Proc. 2007-44 (or successor) that was in effect at the time of the failures and the date of this VCP submission. If they are different, attach an explanation.

8 Has the plan or plan sponsor been party to an abusive tax avoidance transaction? (see Rev. Proc. 20XX-XX, section 4.13(2))

If "Yes," attach required statement per instructions.

9 Did the plan or plan sponsor engage in the diversion or misuse of plan assets? (see Rev. Proc. 20XX-XX, section 4.12)

10 As of the date this application and VCP submission is to be mailed to the IRS, is the plan sponsor or the plan under examination as defined in Rev. Proc. 20XX-XX, section 5.07?

11 Is the plan, at the time of this VCP submission, being considered in an unrelated determination letter application request?

If "Yes," include an attachment indicating the date the application was filed with the Service and the determination application letter case number.

12 Have you previously filed a determination letter application for this plan with the IRS that was subsequently withdrawn, or closed as incomplete due to a failure to submit requested information or as a result of a failure to respond to a request for additional information?

If "Yes," attach required statement per instructions.

Procedural Requirements Checklist for Form 8950

Use this list to ensure that your submitted package is complete. While it is not mandatory that you complete this checklist, failure to supply the appropriate information may result in a delay in the processing of the application and VCP submission.

- 1 Is Form 8951, Compliance Fee for Employee Plans Voluntary Correction Program Submission, attached to your application?
- 2 Is the appropriate compliance fee (and photocopy of the compliance fee check) for your submission attached to Form 8951?
- 3 If appropriate, is Form 2848 or Form 8821 Authorization attached? For more information, see the *Disclosure Request by Taxpayer* in the instructions and Rev. Proc. 2012-4 (or its successor). If there is no representative, enter the name and contact information for the appropriate employee of the plan sponsor who can be contacted if additional information is needed. See *Lines 1a-f* in the instructions.
- 4 Is the employer identification number (EIN) of the plan sponsor/employer (NOT the trust's EIN, nor anyone's SSN) entered on line 1g?
- 5 Is the application signed and dated? Please remember it must be signed by an authorized officer or owner of the plan sponsor.
- 6 If you are submitting Appendix C Part I Model Compliance Statement or Appendix C Part II Schedules, have you used the official versions of these documents that are located at www.irs.gov? Rev. Proc. 20XX-XX sections 11.01 and 11.02 do not allow for the submission of modified versions of these documents.
- 7a If you answered "Yes" to line 7a, have you answered lines 7b and c and supplied the requested information?
- 7b If you answered "No" to line 7b, have you included a written explanation to support your answer as requested by line 7b?
- 7c If you answered "Yes" to line 7b, have you included a separate determination letter application package that includes Form 8717 and either Forms 5300, 5307, or 5310, plus a separate check for the application user fee and its own copies of plan documents, amendments, etc., required by the Form 5300 series application instructions?
- 8 If this is an anonymous VCP submission, have you included a signed statement from the plan sponsor's/employer's representative indicating they have the legal authorization to make this submission and are willing and able to submit Form 2848 to the IRS upon disclosure of the taxpayer's identity? See instructions and Rev. Proc. 20XX-XX, sections 10.10 and 11.08.
- 9 If this VCP submission involves an orphan plan, have you included appropriate documentation that establishes that this application and VCP submission is being made by an eligible party? See instructions and Rev. Proc. 20XX-XX, section 5.03.

NOTE: If you answered yes to line 6, items 10 through 17 on this procedural requirements checklist do not apply as they have been incorporated into Appendix C Part II Schedules. All applicable items on each schedule need to be completed and you must include the Enclosure items listed on the applicable Schedule with your VCP submission. The Appendix C Part II Schedules may be used with Appendix C Part 1 Model VCP Submission Compliance Statement to resolve certain qualification failures. If you choose to combine them, refer to the Appendix C Part II Sections under Appendix C Part 1 Model VCP Submission Compliance Statement Section II ("Applicant's Description of Failures"), Section III ("Applicant's Description of Proposed Method of Correction"), and Section V ("Applicant's Proposed Revision to Administrative Procedures").

Procedural Requirements Checklist for Form 8950 (Continued)

- 10 Have you included an attachment that explains how and why the described qualification failures arose? Be sure to include a description of the applicable administrative procedures for the plan that were in effect at the time the described failures occurred.
- 11 Have you included an attachment that provides a complete description for each qualification failure that is to be resolved by this VCP submission? The narrative description should include the years in which the failures occurred, and the number of employees affected by each failure.
- 12 Have you included an attachment that provides a detailed description of the method for correcting the failures that the Plan Sponsor has implemented or proposes to implement to correct each failure described in this VCP submission? Each step of the correction method must be described in narrative form and must include the specific information needed to support the suggested correction method. See Rev. Proc. 20XX-XX, section 11.03, for additional details.
- 13 Have you included an attachment that provides a description of the administrative measures that have been or will be implemented to ensure that the qualification failures described in this VCP submission do not recur? See Rev. Proc. 20XX-XX, section 11.03.
- 14 For failures involving corrective contributions or distributions, have you included an attachment that provides a detailed, narrative description that explains the methodology you have used to determine lost earnings and how this is consistent with EPCRS correction principles? See Rev. Proc. 20XX-XX section 11.03 for additional details.
- 15 For failures involving corrective contributions or distributions, have you detailed and specific calculations for each affected employee or a representative sample of affected employees? The sample calculations must be sufficient to demonstrate each aspect of the proposed correction method. See Rev. Proc. 20XX-XX, section 11.03.
- 16 For failures involving participant loans that do not comply with section 72(p) requirements, have you included:
- An attachment that contains a detailed description of the failure;
 - An attachment that requests income tax relief, and/or a request to report the distribution on Form 1099-R in the year of correction instead of the year of failure;
 - For cases in which income tax relief has been requested, detailed calculations and narrative that detail the correction proposal and demonstrate compliance with the requirements set forth in section 6.07 of Rev. Procedure 20XX-XX?
- 17 For operational failures that have resulted in certain excise taxes, have you included an attachment requesting a waiver of the excise tax under sections 4972, 4973, 4974, or 4979 or additional income tax under section 72(t), as applicable? Where required, have you included detailed explanations supporting the request? See section 6.09 of Rev. Proc. 20XX-XX for additional information as to when such waiver requests are applicable.
- 18 Have you included an attachment that describes the method(s) that will be used to locate and notify former employees or, if there are no former employees affected by the failure listed in this VCP submission or the correction(s), provided an affirmative statement to that effect? See Rev. Proc. 20XX-XX section 11.03.
- 19 If the failure described in this VCP submission includes a failure related to Transferred Assets as defined in section 5.01(7) of Rev. Proc. 20XX-XX have you included an attachment that describes the related employer transaction, including the date of the employer transaction and the date the assets were transferred to the plan?
- 20 If the failures described in this VCP submission include operational failures, have you included a copy of the plan document (and adoption agreement, if applicable) or applicable provisions of the plan document, that were in effect during the period of failure?

Procedural Requirements Checklist for Form 8950 (Continued)

- 21** If the failures described in this VCP submission include non-amender failures other than late interim amendments, have you included a copy of the plan document in effect **prior** to any of the amendments used to correct the failure(s)?
- 22** If the described qualification failures are being corrected by plan amendments or the adoption of a written plan, have you:
- Included copies of the corrective amendments?
 - If correcting interim amendment failures or a failure to adopt a written 403(b) plan timely, have you submitted corrective executed copies that have been executed by the plan sponsor?
 - If a restated plan document is being submitted as evidence of correction, have you included an attachment that identifies the page and section of the document, and the specific plan language that resolves each specified qualification failure described in the VCP submission?
- 23** If the subject of this VCP submission is a 403(b) plan, has a written attachment been included that contains the following items:
- A statement as to the type of employer (e.g., a tax-exempt organization described in section 501(c)(3)) who is making the VCP submission.
 - A statement indicating that the Plan Sponsor has contacted all other entities involved with the plan and has been assured of cooperation in implementing the applicable correction, to the extent necessary.
- 24** If you wish to receive an Acknowledgement letter that we have received your VCP application and submission, have you included an Appendix D document with your submission? Appendix D is part of Rev. Proc. 20XX-XX.
- 25** Have you assembled your submission as described in section 11.15, and for those submissions with related determination letter applications, have you included separate copies of all necessary plan documents and amendments so that each submission has its own copies? See Rev. Proc. 20XX-XX, section 11.04.
- 26** If this VCP submission is limited to a minor modification to a previously issued compliance statement as allowed by Rev. Proc. 20XX-XX, section 10.07(10), have you met the conditions for this type submission?
If "Yes", have you included a letter explaining the modification, a copy of the original issued compliance statement, a copy of the original VCP submission and, if applicable, any other correspondence relating to the issuance of the original compliance statement?