

LAW & POLICY GROUP

GRIST

IRS LETS AUTHORIZED RETIREMENT PLAN REPRESENTATIVES HANDLE VCP FILINGS

*By Mercer's Margaret Berger and Brian Kearney
July 9, 2019*

As of April 1, employers seeking to use the IRS Voluntary Correction Program (VCP) to fix retirement plan errors must electronically submit the application and user fee by filing [Form 8950](#) on the US Treasury Department's [Pay.gov](#) website. The updated form and [instructions](#) for these filings now allow a plan sponsor's authorized representative to sign and submit the application.

FEW SIGNIFICANT CHANGES TO VCP APPLICATION

The form is little changed from the previous paper version, with most changes simply accommodations for electronic filing. However, filers should take note of the following:

- **Authorized representatives may sign and file.** For the first time, a plan sponsor now can authorize a representative to sign and submit the filing through Pay.gov. Submissions must include a penalty-of-perjury statement signed by the plan sponsor attesting that the application is true, correct and complete, as well as a [Form 2848](#) granting power of attorney to the representative.
- **Large attachments must be faxed.** VCP submissions must include a PDF file of all relevant documents, but Pay.gov can only accept attachments up to 15 MB. After submitting the application and receiving the system-generated tracking number, filers should separately fax any documents that raise the total file size over 15 MB. IRS cautions that its fax system will reject excessively large faxes (the equivalent of a 150 MB file) without notification and suggests splitting up large faxes to avoid this problem.

RELATED RESOURCES

Non-Mercer Resources

- [Form 8950 on Pay.gov](#) (IRS)
- [Form 8950 instructions](#) (IRS, revised January 2019)

Mercer Law & Policy Resources

- [IRS Updates VCP Kit for Late Adopters of Preapproved DC Plans](#) (Feb. 1, 2019)
- [IRS Issues 2019 Procedures for Retirement Plan Determination Letters, Rulings, Other Guidance](#) (Jan. 18, 2019)

Note: Mercer is not engaged in the practice of law, accounting or medicine. Any commentary in this article does not constitute and is not a substitute for legal, tax or medical advice. Readers of this article should consult a legal, tax or medical expert for advice on those matters.