



# MISSING PARTICIPANTS FILING INSTRUCTIONS

**This package contains:**  
 Schedule MP  
 Attachment A  
 Attachment B  
 Payment Voucher  
 Instructions

**THE FORMS AND INSTRUCTIONS IN THIS BOOKLET APPLY TO STANDARD AND DISTRESS TERMINATIONS WITH MISSING PARTICIPANTS. YOU WILL ALSO NEED THE STANDARD OR DISTRESS TERMINATION PACKAGE, AS APPLICABLE.**

## Paperwork Reduction Act Notice

The PBGC needs the information required by Schedule MP (and applicable attachments) to administer the Missing Participants Program. Section 4050 of the Employee Retirement Income Security Act of 1974 provides for the Missing Participants Program to assist plan administrators in closing out plans and to help participants in these plans obtain their benefits. The PBGC will use the information to direct Missing Participants for whom annuity contracts were purchased to the appropriate insurance company; to locate and pay Missing Participants for whom benefits were paid to the PBGC; and to monitor and audit compliance. You are required to provide this information pursuant to section 4050 of ERISA and 29 CFR Part 4050. The information provided to the PBGC may be subject to disclosure under the Freedom of Information Act or protected from disclosure by the Privacy Act, as applicable.

This collection of information has been approved by the Office of Management and Budget (OMB) under control number 1212-0036. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The PBGC estimates that it will take an average of 1.19 hours and \$1,311 per plan to comply with standard termination paperwork requirements, including requirements for Missing Participants. (See the PBGC's Distress Termination Package for burden estimates for distress terminations.) These are estimates and the actual time will vary depending on the circumstances of a given plan.

If you have comments concerning the accuracy of these estimates or suggestions for making the forms simpler, please send your comments to the Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW, Washington, DC 20005-4026.

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## I. OVERVIEW

The PBGC has established a Missing Participants Program for single-employer defined benefit pension plans subject to Title IV of ERISA. This program helps terminating plans distribute Missing Participants' benefits and helps Missing Participants receive their benefits. A *Missing Participant* is a participant or beneficiary (including a participant's spouse or alternate payee) entitled to a distribution under a terminating plan whom, after a diligent search, the plan administrator has not located as of the date the plan administrator pays the individual's designated benefit to the PBGC (or distributes the individual's benefit by purchasing an irrevocable commitment from an insurer). In the absence of proof of death, individuals not located are presumed living.

### *Caution:*

You may use the PBGC's Missing Participants Program for a participant or beneficiary only if you are unable to locate the person after a diligent search (see Step 1, below). The mere fact that a person fails to return an election form or cash a check does not mean the person is a "Missing Participant." Unless a person is a "Missing Participant," you must, in accordance with all applicable requirements under the Internal Revenue Code and ERISA, distribute plan assets in satisfaction of all plan benefits by purchase of an irrevocable commitment from an insurer or in another permitted form.

**Note:** The terms "you" and "plan administrator" are used interchangeably.

You must follow specific steps in distributing the benefits of Missing Participants on plan termination. These steps are briefly summarized below. Sections II and III of these instructions give more details.

### Step 1: Diligent Search

- ▶ Conduct a diligent search for all Missing Participants. "Diligent search" is defined in 29 CFR §4050.4. A diligent search must —
  - Begin not more than 6 months before notices of intent to terminate are issued;
  - Be carried on in such a manner that if the individual is found, distribution can reasonably be expected to be made on or before the deemed distribution date;
  - Include inquiry of any plan beneficiaries (including alternate payees) of the Missing Participant whose names and addresses are known to the plan administrator; and
  - Include use of a commercial locator service to search for the Missing Participant (without charge to the Missing Participant or reduction of the Missing Participant's plan benefit).

### Step 2: Method(s) of Distribution

- ▶ Determine for each Missing Participant whether you will distribute the benefits of that Missing Participant by purchasing an irrevocable commitment from an insurance company or by paying the value of the Missing Participant's benefit to the PBGC.

### Step 3: Deemed Distribution Date

- ▶ If you will be sending payment to the PBGC for one or more Missing Participants, select a deemed distribution date and calculate the value of the Missing Participants' benefits as of that date using the rules in the PBGC's Missing Participants regulation (see 29 CFR §§4050.5 and 4050.12). The deemed distribution date must be no later than the distribution deadline (including extensions) and no earlier than the date when distributions have been completed for all other participants and beneficiaries (including Missing Participants for whom you provide annuities). (See section III.A.Part II.2d., below.)

**Note:** If, late in the distribution period, you locate a participant or beneficiary or learn that a participant or beneficiary is missing, you may request an extension of the distribution deadline, if necessary. To request a deadline extension, see instructions in Section II.J of the Standard Termination Package or Section C of Appendix C of the Distress Termination Package.

### Step 4: Forms and Payments

- ▶ Complete Schedule MP and the applicable attachment(s) and send them to the PBGC with the Post-Distribution Certification. These forms contain the information the PBGC needs to identify and locate Missing Participants to whom it will pay benefits, to compute and pay those benefits, and to direct individuals for whom the plan purchased annuities to the appropriate insurance company.

**If you are sending payment to the PBGC for one or more Missing Participants,** you may submit a check with your Missing Participant Payment Voucher or arrange for a wire transfer and indicate on your Missing Participant Payment Voucher the amount that has been transferred. See section II.D.2 for payment information. The filing deadline for Schedule MP, for the Post-Distribution Certification, and for payment of designated benefits to the PBGC is 30 days after the deemed distribution date.

**If you purchased annuities for all Missing Participants and are not paying designated benefits to the PBGC,** the deadline for filing Schedule MP and the Post-Distribution Certification is 30 days after the last distribution of assets in satisfaction of plan benefits (through priority category 6 under section 4044 of ERISA and 29 CFR Part 4044).

**Note:** The PBGC may assess a penalty for late filing of Schedule MP. However, the PBGC will do so only to the extent the information is filed more than 90 days after the distribution deadline (including extensions) (see section II.H.1 of the Standard Termination Package or section C of Appendix C of the Distress Termination Package.) Also, the PBGC will assess interest for late payment of amounts for Missing Participants only to the extent the payment is made more than 90 days after that distribution deadline (including extensions).

This package contains (1) Missing Participant filing instructions, and (2) Schedule MP, including Attachment A (Annuity Purchase Information), Attachment B (Individual Information for Missing Participants for whom amounts are paid to the PBGC), and a Missing Participant Payment Voucher to submit with payment to the PBGC.

The specific rules for distributing benefits for Missing Participants are set forth in section 4050 of ERISA and in the PBGC's regulation on Missing Participants (29 CFR Part 4050), which are available on the PBGC's Web site, [www.pbgc.gov](http://www.pbgc.gov), along with Missing Participant forms and instructions.

**Note:** If, after paying a designated benefit to the PBGC for a Missing Participant, you are contacted by that Missing Participant, please refer the individual to the PBGC's Participant Customer Contact Center ((800) 400-7242) for payment of the individual's benefit.

## II. GENERAL INSTRUCTIONS FOR MISSING PARTICIPANT FORMS

The PBGC may assess penalties for incomplete filings. Therefore, the filer should ensure that an appropriate response is provided for each item, as follows:

1. If an item requests a numeric response, a number must be entered.
2. If an item provides a box or boxes to be checked, written responses are not acceptable.
3. No additions or deletions may be made to the certifications required to be signed by the plan administrator or enrolled actuary.
4. If requested information is not available, write "N/A" in the space provided or next to the question.

The PBGC will accept the original pre-printed forms, photocopies of the forms, or downloaded forms. However, all forms must have an original signature.

### A. Who Must File

If your plan is terminating in a standard termination (or in a distress termination in which the plan is sufficient for at least guaranteed benefits and closes out in the private sector), you must file Schedule MP with the PBGC if you have one or more Missing Participants. The PBGC will apply this filing requirement to participants or beneficiaries who are eligible for a distribution of residual assets but cannot be located. (In addition, the PBGC may apply this filing requirement for a distribution pursuant to a PBGC audit of a plan termination.)

### B. What to File and Pay

You must file Schedule MP, including Attachment A (Annuity Purchase Information), Attachment B (Individual Information), or both, as applicable. File Attachment A (or provide the specified information on a separate page) if the plan purchased an irrevocable commitment for one or more Missing Participants. File a separate Attachment B for each Missing Participant for whom amounts are due to the PBGC. You must send payment of the total of the amounts on Attachment B to the PBGC, together with a Payment Voucher.

### C. When to File and Pay

1. **In General.** The filing due date for the Schedule MP (including attachments) and payment of designated benefits (including Payment Voucher) is the same as for the Post-Distribution Certification.
2. **Due Dates for Later Filings.** In some cases, after you have already filed the Post-Distribution Certification, you may be required to file a Schedule MP (including applicable attachment(s) and payment), or an amended Schedule MP if a Schedule MP was previously filed. These cases, and the due dates for Schedule MP, are:
  - (a) **Residual Assets.** If residual assets remaining after the satisfaction of plan benefits (through priority category 6 under section 4044 of ERISA and 29 CFR Part 4044) are owed to one or more persons who you cannot locate at the time residual assets are payable, Schedule MP and (if such amounts will be paid to the PBGC) payment are due, unless the PBGC otherwise determines, no earlier than the date when the Post-Distribution Certification is filed with the PBGC, and no later than the later of:
    - the 30th day after the date on which all residual assets have been distributed to all participants

and beneficiaries other than those who cannot be located and for whom payment of residual assets is made to the PBGC, and

- the date when the Post-Distribution Certification is filed with the PBGC.

**Note:** *If you previously filed the Post-Distribution Certification and are using the Missing Participants Program to provide residual assets with respect to a person who cannot be located at the time residual assets are payable, file only Schedule MP (with applicable attachment(s)) and, if appropriate, a Payment Voucher. Do not file a new Post-Distribution Certification.*

- (b) PBGC Audit of Plan Termination. If, pursuant to an audit of the plan termination, amounts are owed to one or more participants or beneficiaries whom you cannot locate at the time such amounts are payable, Schedule MP with applicable attachments and payment (if such amounts will be paid to the PBGC) are due by the date specified by the PBGC in connection with the audit.

- 3. Filing Methods and Filing Date.** You may file Schedule MP (including attachments) and make payment to the PBGC by hand, mail, or commercial delivery service or, in some circumstances, electronically.

The discussion below describes the rules for filings other than electronic filings. For information on wire transfers, see section D.2.(b). If you want to file Schedule MP or attachments to Schedule MP in electronic form, contact the PBGC using the contact information in part E, below. When you have 100 or more Missing Participants, the PBGC strongly encourages you to file the attachments to Schedule MP by submitting a computer disk. Complete rules on filing methods and on how the PBGC determines your filing date are on the PBGC's Web site, [www.pbgc.gov](http://www.pbgc.gov). Look for "Part 4000" under "Code of Federal Regulations."

Your filing date will be the date you send your filing (the "send date"), provided you meet certain requirements that are summarized below. If you do not meet these requirements, your filing date is the date the PBGC receives your submission. (If you file your submission by hand, your filing date is the date of receipt of your hand-delivered submission at the proper address.)

If the PBGC receives your submission after 5:00 p.m. (Washington, D.C. time) on a business day, or anytime on a weekend or Federal holiday, the PBGC treats it as received on the next business day.

**Filings by mail.** If you file your submission using the U.S. Postal Service, your filing date is the date you mail your submission by the last collection of the day, provided that the submission: (1) meets the applicable postal requirements; (2) is properly addressed; and (3) is sent by First-Class Mail (or another class that is at least equivalent). (If you mail the submission after the last collection of the day, or if there is no scheduled collection that day, your filing date is the date of the next scheduled collection.) If you meet these requirements, the PBGC makes the following presumptions:

*Legible postmark date.* If your submission has a legible U.S. Postal Service postmark, the PBGC presumes that the postmark date is the filing date.

*Legible private meter date.* If your submission has a legible postmark made by a private postage meter (but no legible U.S. Postal Service postmark) and arrives at the proper address by the time reasonably expected, the PBGC presumes that the metered postmark date is your filing date.

You may prove an earlier send date.

**Filings using a commercial delivery service.** If you file your submission using a commercial delivery service, your filing date is the date you deposit your submission by the last scheduled collection of the day for the type of delivery you use (such as two-day delivery or overnight delivery) with the commercial delivery service, provided that the submission meets the applicable requirements of the commercial delivery service and is properly addressed, and the delivery service meets one of the requirements listed below. If you deposit it later than that last scheduled collection of the day, or if there is no scheduled collection that day, your filing date is the date of the next scheduled collection. The delivery service must meet one of the following requirements:

*Delivery within two days.* It must be reasonable to expect your submission will arrive at the proper address by 5:00 p.m. on the second business day after the next scheduled collection; or

*Designated delivery service.* You must use a "designated delivery service" under section 7502(f) of the Internal Revenue Code (Title 26, USC). The PBGC's Web site, [www.pbgc.gov](http://www.pbgc.gov), lists those designated delivery services. You should make sure that both the provider and the particular type of delivery (such as two-day delivery) are designated.

**4. Requests for Deadline Extensions.** The PBGC may in its discretion extend a deadline for taking a required action to a later date. The PBGC will grant such an extension where it finds compelling reasons why it is not administratively feasible for you (or other persons acting on your behalf) to take the action until the later date and the delay is brief. The PBGC will consider (1) the length of the delay and (2) whether ordinary business care and prudence in attempting to meet the deadline was exercised.

**Note:** *The PBGC will not extend the following statutory deadlines: (1) that the Notice of Intent to Terminate (NOIT) be issued not less than 60 days before the proposed termination date, (2) that the Notice of Plan Benefits (NOPB) be issued by the time the plan administrator files the standard termination notice with the PBGC, and (3) that the Post-Distribution Certification be filed with the PBGC within 30 days after the last distribution date. (Although the PBGC may assess a penalty for late filing of a Post-Distribution Certification, it will do so only to the extent the Post-Distribution Certification is filed more than 90 days after the distribution deadline (including extensions) described in section II.H.1. of the Standard Termination Package and section C of Appendix C of the Distress Termination Package.)*

If you file a request for an extension with the PBGC later than the 15th day before the applicable deadline, you must include a justification for not filing the request earlier.

Requests for extensions must be in writing and —

Addressed to:

Manager, Standard Termination Compliance Division  
Pension Benefit Guaranty Corporation  
1200 K Street, NW, Suite 930  
Washington, D.C. 20005-4026

E-mailed to: [standard@pbgc.gov](mailto:standard@pbgc.gov); or

Faxed to: (202) 326-4001

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## D. Where to File and Pay

**1. Where to File.** File the Schedule MP (including any required attachments) with the Post-Distribution Certification. Send the forms to:

Standard Termination Compliance Division  
Pension Benefit Guaranty Corporation  
1200 K Street, NW, Suite 930  
Washington, DC 20005-4026

## 2. Where to Pay.

(a) Checks.

Send payment for designated benefits and/or other amounts with a completed Payment Voucher to the appropriate lockbox address below. Make the check payable to the Pension Benefit Guaranty Corporation and write the plan's EIN/PN and the PBGC Case Number on your check. Send one check for the plan, *not* separate checks for each participant.

**Note:** *The amount you pay to the PBGC must equal the amount on line 3c of Schedule MP and line 3a of the Missing Participant Payment Voucher. Also, the amount on line 3c of Schedule MP must equal the sum of the amounts on line 3c of all Attachments B (Individual Information).*

If you are using the U.S. Postal Service:

Pension Benefit Guaranty Corporation  
P.O. Box 64523  
Baltimore, MD 21264-4523

If you are using a delivery service other than the U.S. Postal Service:

M&T Bank  
110 S. Paca Street  
Mail Code 109-320/Lock Box #64523  
Baltimore, MD 21201

(b) Wire transfers.

Send wire transfer to:

M&T Bank  
Baltimore, Maryland  
ABA: 022000046  
Account: 191-1428-6  
Beneficiary: PBGC  
Payment ID line: (MP, the plan's EIN/PN, and the standard termination case number)

Please use the following format:

“MP, EIN/PN:XX-XXXXXXX/XXX, CN:XXXXXXX”

**3. Penalties and Interest.** If a plan administrator fails to provide any required information within the specified time limit, the PBGC may assess a penalty of up to \$1,100 a day for each day that the failure continues. However, it will do so only to the extent the information is filed more than 90 days after the distribution deadline (including extensions) determined under

29 CFR §4041.28(a) or §4041.50, whichever applies, for close-out of a plan. Also, the PBGC will assess interest for late payment of amounts for Missing Participants only to the extent the payment is made more than 90 days after the distribution deadline. See 29 CFR §4050.6(b) and the PBGC's Statement of Policy on ERISA section 4071 penalties, 60 Fed. Reg. 36837 (July 18, 1995).

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## E. Forms and Instructions; Contacting Us

You may obtain forms and instructions from the PBGC's Web site at [www.pbgc.gov](http://www.pbgc.gov).

If you have any questions about Missing Participants, standard terminations, or distress terminations, or if you need copies of this package, the standard termination package, or the distress termination package, call the toll-free telephone number at the PBGC's Customer Contact Center (1-800-736-2444). (TTY/TDD users may call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 1-800-736-2444.)

E-mail addresses:

- Standard Terminations ([standard@pbgc.gov](mailto:standard@pbgc.gov)) –  
Questions about Missing Participants in a standard termination.
- Distress Terminations ([distress.term@pbgc.gov](mailto:distress.term@pbgc.gov)) –  
Questions about Missing Participants in a distress termination.

Fax: (202) 326-4001

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## F. Recordkeeping Requirements

Each contributing sponsor and the plan administrator of a terminated plan must maintain all records necessary to demonstrate compliance with section 4041 of ERISA and 29 CFR Part 4041 for six years after the date the Post-Distribution Certification is filed with the PBGC. For rules on maintaining records electronically, see 29 CFR Part 4000 (also available on the PBGC's Web site, [www.pbgc.gov](http://www.pbgc.gov)).

**Note:** *If a contributing sponsor or the plan administrator maintains information in accordance with this requirement, the other(s) need not maintain that information.*

These records include evidence of a diligent search and all underlying data, including worksheets prepared by or at the direction of the enrolled actuary, used in determining the amount, form, and value of the plan benefits of each Missing Participant.

The contributing sponsor or plan administrator, as appropriate, must make all such records available to the PBGC upon request for inspection and photocopying (or, for electronic records, inspection, electronic copying, and printout) at the location where they are kept (or another, mutually agreeable, location), and must submit the records to the PBGC within 30 days after receipt of the PBGC's written request or by a later date specified in the request.

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## III. SPECIFIC INSTRUCTIONS

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### A. Schedule MP

**Note:** *When filing an amended Schedule MP, you must complete all items on the form and report complete and final values reflecting all distributions for Missing Participants (including Missing Participants reported on the earlier Schedule MP).*

#### Part I. Plan Identification Information

- 1a Plan name. Enter the name of the plan.
- 1b Employer identification and plan numbers. Enter the employer identification number and the plan number.
- 1c PBGC case number. Enter the PBGC case number.

#### Part II. Missing Participant Information

- 2a Name and address (mailing or Internet) of commercial locator service(s) used. Enter the name and address of the commercial locator service(s) you used.
- 2b Number of Missing Participants for whom irrevocable commitments were purchased. Enter the total number of Missing Participants for whom irrevocable commitments were purchased. Enter zero if no annuities were purchased for Missing Participants.
- 2c Number of Missing Participants for whom amounts are paid to the PBGC. Enter the total number of Missing Participants for whom amounts are being paid to the PBGC. Enter zero if you are paying no amounts to the PBGC.
- 2d Deemed distribution date. The deemed distribution date is (1) the distribution deadline (including extensions) or (2) if the plan administrator selects an earlier date that is no earlier than the date when all distributions have been made under the plan except for distributions to Missing Participants whose designated benefits are paid to the PBGC, such earlier date. The distribution deadline (including extensions) is described in section II.H.1 of the Standard Termination Package and section C of Appendix C of the Distress Termination Package.

**Note:** If you are distributing residual assets or voluntary employee contributions and have never paid designated benefits to the PBGC for any participant in the plan, enter “00/00/0000” for the deemed distribution date.

### Part III. Amounts Due to the PBGC

- 3a Total amount of designated benefits. This is the sum of the amounts on line 3a—“Amount of Designated Benefit”—of **all** Attachments B (Missing Participant Individual Information).
- 3b Total of “other amounts” due for Missing Participants. This is the sum of the amounts on line 3b of **all** Attachments B (Missing Participant Individual Information).
- 3c Total amount due to PBGC. This is the sum of the amounts entered in lines 3a and 3b. Note: This also should be the sum of the amounts on line 3c of **all** Attachments B (Missing Participant Individual Information).

### B. Attachment A (Annuity Purchase Information)

File Attachment A (Annuity Purchase Information) with the Schedule MP if the plan purchased an irrevocable commitment for one or more Missing Participants.

**Note:** If you are filing an amended Attachment A, check the box on page 1 of the form to indicate that you previously filed an Attachment A for the plan and enter the Plan Identification Information, the Insurance Company Information, and the individual Missing Participant information only for Missing Participants for whom you are reporting additional or revised information.

Monthly benefit. Enter the monthly benefit (in the normal form payable under plan provisions) payable at the Missing Participant’s normal retirement age. (The normal form is the form in which the benefit is accrued under plan provisions, generally a single-life annuity.) If the Missing Participant is an alternate payee or other beneficiary, enter the monthly benefit amount payable at the earliest date the alternate payee or other beneficiary may begin receiving benefits. If the Missing Participant was in pay status, enter the monthly benefit amount that was in pay status.

### C. Attachment B (Individual Information)

File Attachment B (Individual Information) with the Schedule MP for each Missing Participant for whom you send payment to the PBGC.

**Note:** If you are filing an amended Attachment B for an individual, check the box on page 1 of the form to indicate that you previously filed an Attachment B for the Missing Participant, write in the sequence numbers of that Missing Participant’s Attachment B from the original filing (in the upper left hand corner of the form) and complete all items on the form. Do not send Attachments B for Missing Participants for whom there are no changes to report with an amended filing.

### Part I. Plan Identification Information

- 1 Enter plan identification information.

### Part II. Missing Participant Information

- 2 Enter Missing Participant identification information.

### Part III. Amounts Due to the PBGC

- 3a **A. Category of designated benefit.** (See 29 CFR §4050.5.)

Determine the category of the Missing Participant’s designated benefit from the following list:

- (1) **Mandatory lump sum.** The terms of the plan require an automatic cashout of this Missing Participant. The mandatory lump sum amount must be no greater than the plan’s cashout limit, which, by law, cannot exceed \$5,000.
- (2) **De minimis lump sum.** The terms of the plan do not require an automatic cashout of this Missing Participant, the amount is \$5,000 or less when calculated under B.(2) below, and the benefit was not in pay status as of the deemed distribution date.
- (3) **No lump sum.** The terms of the plan require that only an annuity may be paid for this Missing Participant.
- (4) **Elective lump sum.** The benefit of this Missing Participant is not described in the first three categories.

**Note:** If the designated benefit category includes any amount attributable to mandatory employee contributions, check the designated benefit category applicable to the whole accrued benefit; do not check category 4 (Elective lump sum) merely because the participant may choose to withdraw employee contributions in a lump sum.

**B. Amount of designated benefit.** (See 29 CFR §§4050.5 and 4050.12(c).)

After determining the category of designated benefit for the Missing Participant under A., above, calculate the amount of the designated benefit using the applicable calculation instructions below for that category.

(1) Mandatory lump sum. The designated benefit amount is the amount that the plan would have distributed to this Missing Participant as of the deemed distribution date. The amount must be no greater than the plan's cashout limit, which, by law, cannot exceed \$5,000.

(2) De minimis lump sum. The designated benefit amount is the lump sum amount calculated as of the deemed distribution date using the PBGC "Missing participant lump sum assumptions" and the "most valuable benefit" for a Missing Participant who is not in pay status. "Missing participant lump sum assumptions" and "most valuable benefit" are defined in C., below. The resulting amount must be \$5,000 or less.

(3) No lump sum. The designated benefit amount is the actuarial present value of the Missing Participant's benefit as of the deemed distribution date calculated using the PBGC "Missing participant annuity assumptions" and the "most valuable benefit." "Missing participant annuity assumptions" and "most valuable benefit" are defined in C., below.

(4) Elective lump sum. The designated benefit amount is the greater of the amounts determined under B.(1) Mandatory lump sum or B.(3) No lump sum.

**C. Definitions for calculation of designated benefit.** (See 29 CFR §§4050.2 and 4050.5(b)(1).)

(1) Missing participant annuity assumptions. Missing participant annuity assumptions means the interest rate assumptions and actuarial methods for valuing benefits under 29 CFR §4044.52 applied

a) as if the deemed distribution date were the termination date;

b) using the mortality rates prescribed in Revenue Ruling 95-6, 1995-1 C.B. 80 (for availability, see 26 §CFR 601.601(d));

c) without using the expected retirement age assumptions in 29 CFR §§4044.55 through 4044.57;

d) without making the adjustment for expenses provided for in 29 CFR §4044.52(e); and

e) by adding \$300, as an adjustment (loading) for expenses, if the missing participant's designated benefit without this adjustment is greater than \$5,000.

(2) Missing participant lump sum assumptions. Missing participant lump sum assumptions means the interest rate and mortality assumptions and actuarial methods for determining the lump sum value of a benefit under 29 CFR §4022.7(d), applied

a) as if the deemed distribution date were the termination date; and

b) without using the expected retirement age assumptions in 29 CFR §§4044.55 through 4044.57.

(3) Most valuable benefit.

a) Benefit in pay status - For a missing participant whose benefit is in pay status as of the deemed distribution date, the most valuable benefit is the pay status benefit.

b) Benefit not in pay status - For a missing participant whose benefit is not in pay status as of the deemed distribution date, the most valuable benefit is the benefit payable at the age on or after the deemed distribution date (beginning with the participant's earliest early retirement age and ending with the participant's normal retirement age) for which the present value as of the deemed distribution date is the greatest. The present value as of the deemed distribution date with respect to any age is determined by multiplying:

(i) the monthly (or other periodic) benefit payable under the plan; by

(ii) the present value (determined as of the deemed distribution date using the missing participant annuity assumptions) of a \$1 monthly (or other periodic) annuity beginning at the applicable age.

**Note:** See Appendix A for examples of the designated benefit determinations and calculations of the designated benefit amount.

3b **Other amounts due.** “Other amounts” are (1) voluntary employee contributions (and earnings thereon) as defined in 29 CFR §4050.12(c)(2)(i) and (ii); and (2) residual assets, as determined under 29 CFR §4050.12(d).

**If you are paying “other amounts” to the PBGC, follow the instructions for lines 7d-f and line 8, as applicable, and enter the total in line 3b.**

If you are not paying “other amounts” to the PBGC, enter zero in line 3b.

**Note:** You must pay the total value of the Missing Participant’s benefit to the PBGC, without any reduction for the 20% tax withholding, even if 20% tax withholding has already been paid to the Internal Revenue Service for the benefit.

**Complete item 4 or 5 or 6 (only one).**

**Note:** A Missing Participant’s benefit is in pay status as of the deemed distribution date if, as of that date, the plan administrator has made or (except for administrative delay or a waiting period) would have made one or more benefit payments. A beneficiary’s benefit is considered in pay status if, as of the deemed distribution date, the participant was known to be deceased and payments to the beneficiary have commenced or would have commenced automatically without an election on or before that date.

**4 Participant Who is Missing and Whose Benefit Was Not in Pay Status**

Line 4 applies to a participant (not a beneficiary or alternate payee) whose benefit was not in pay status as of the deemed distribution date.

4a Participant’s earliest early retirement date. Enter the participant’s earliest early retirement date (or the deemed distribution date, if later).

4e Form of benefit for participant whose benefit was not in pay status. Enter a code from the Table of Plan Benefit Forms on p. 10, and fill in the relevant information to describe the benefit form that would be payable to the participant on retirement in the absence of an election, that is, the automatic form.

**5 Beneficiary (including a participant’s spouse or alternate payee) Who is Missing and Whose Benefit Was Not in Pay Status**

Line 5 applies where a participant is known to be deceased and the beneficiary’s benefit was not in pay status as of the deemed distribution date.

5a Form of benefit for a beneficiary whose benefit was not in pay status. Enter a code from the Table of Plan Benefit Forms on page 10, and fill in the relevant information to describe the benefit form payable to the beneficiary.

**6 Missing Participant Who is in Pay Status**

Line 6 applies to a participant or beneficiary whose benefit was in pay status as of the deemed distribution date.

6a Form of benefit for a Missing Participant in pay status. Enter a code from the Table of Plan Benefit Forms on page 10, and fill in the relevant information to describe the benefit form that was in pay status as of the date of the first missed payment.

**7 Employee Contributions**

7a-c Mandatory Employee Contributions. Report mandatory employee contributions that fund a portion of the Missing Participant’s accrued benefit under the plan and interest credited on those contributions to the deemed distribution date. (See 29 CFR §4050.12(c)(1).)

**Reminder:** The designated benefit amount reported on line 3a must include and be no less than the amount of mandatory employee contributions plus interest to the deemed distribution date (line 7c).

7d-f Voluntary Employee Contributions. Report voluntary employee contributions held in a separate account and earnings credited on those contributions to the date sent to the PBGC. (See 29 CFR §4050.12(c)(2)(i) and (ii).)

**8 Residual Assets**

8a Residual Assets. Enter the amount of any residual assets allocable to the participant or beneficiary in accordance with section 4044(d) of ERISA and earnings thereon to the date you pay the PBGC. (See 29 CFR §4050.12(d).) If residual assets will be paid later, enter \$0 and see instructions for later filings under “When to File and Pay” in section II.C.2.

**Table of Plan Benefit Forms**

<b>Benefit Form Code</b>	<b>Benefit Form Applicable to Missing Participant</b>
1	Life annuity
2	Annuity certain
3	Annuity certain and continuous
4	Temporary life annuity
5	Joint and survivor annuity (contingent basis) thereafter
6	Annuity certain and joint and survivor (contingent basis) thereafter
7	Single life cash refund annuity
8	Installment refund annuity
9	Single sum
10	Other benefit form - Use the space provided on Attachment B to describe the benefit form that is payable with respect to the Missing Participant. Include, as applicable, the percentage of the Missing Participant's monthly benefit amount that is payable to each beneficiary upon the Missing Participant's death, the period during which the Missing Participant's benefit is payable, the period during which each beneficiary's benefit is payable, and any other provisions that distinguish the benefit form. For example, in the case of a step-down benefit, state when and by how much the benefit is reduced.

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## APPENDIX A - Examples of Designated Benefit Determinations

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Examples of Designated Benefit Determinations for Missing Participants under §4050.5 in plans with deemed distribution dates on and after August 17, 1998. The calculation of the designated benefit is illustrated by the following examples:

**Example 1.a. - \$5,000 plan cashout limit. Plan A provides that any participant whose benefit has a value at distribution of \$5,000 or less will be paid a lump sum, and that no other lump sums will be paid. P, Q, and R are missing participants.**

- (1) As of the deemed distribution date, the value of P's benefit is \$4,000 under Plan A's assumptions. Under §4050.5(a)(1), the plan administrator pays the PBGC \$4,000 as P's designated benefit.
- (2) As of the deemed distribution date, the value of Q's benefit is \$5,200 under Plan A's assumptions and \$4,700 under the missing participant lump sum assumptions. Under §4050.5(a)(2), the plan administrator pays the PBGC \$4,700 as Q's designated benefit.
- (3) As of the deemed distribution date, the value of R's benefit is \$5,500 under Plan A's assumptions, \$5,100 under the missing participant lump sum assumptions, and \$5,450 under the missing participant annuity assumptions. Under §4050.5(a)(3), the plan administrator pays the PBGC \$5,450 as R's designated benefit.

**Example 1.b. - \$3,500 plan cashout limit. Plan A provides that any participant whose benefit has a value at distribution of \$3,500 or less will be paid a lump sum, and that no other lump sums will be paid. P, Q, and R are missing participants.**

- (1) As of the deemed distribution date, the value of P's benefit is \$3,000 under Plan A's assumptions. Under §4050.5(a)(1), the plan administrator pays the PBGC \$3,000 as P's designated benefit.
- (2) As of the deemed distribution date, the value of Q's benefit is \$3,600 under Plan A's assumptions and \$4,700 under the missing participant lump sum assumptions. Under §4050.5(a)(2), the plan administrator pays the PBGC \$4,700 as Q's designated benefit.
- (3) As of the deemed distribution date, the value of R's benefit is \$3,600 under Plan A's assumptions, \$5,100 under the missing participant lump sum assumptions, and \$4,950 under the missing participant annuity assumptions. Under §4050.5(a)(3), the plan administrator pays the PBGC \$4,950 as R's designated benefit.

**Example 2 - Annuity assumptions.** Plan B provides for a normal retirement age of 65 and permits early commencement of benefits at any age between 60 and 65, with benefits reduced by 5 percent for each year before age 65 that the benefit begins. The qualified joint and 50 percent survivor annuity payable under the terms of the plan requires in all cases a 16 percent reduction in the benefit otherwise payable. **The plan does not provide for elective lump sums.**

- (1) M is a missing participant who separated from service under Plan B with a deferred vested benefit. M is age 50 at the deemed distribution date, and has a normal retirement benefit of \$1,000 per month payable at age 65 in the form of a single life annuity. M's benefit as of the deemed distribution date has a value greater than \$5,000 using either plan assumptions or the missing participant lump sum assumptions. Accordingly, M's designated benefit is to be determined under §4050.5(a)(3).
- (2) For purposes of determining M's designated benefit, M is assumed to be married to a spouse who is also age 50 on the deemed distribution date. M's monthly benefit in the form of the qualified joint and survivor annuity under the plan varies from \$840 at age 65 (the normal retirement age) ( $\$1,000 \times (1.16)$ ) to \$630 at age 60 (the earliest retirement age) ( $\$1,000 \times (15 \times (.05)) \times (1.16)$ ).
- (3) Under §4050.5(a)(3), M's benefit is to be valued using the missing participant annuity assumptions. The select and ultimate interest rates on Plan B's deemed distribution date are 7.50 percent for the first 20 years and 5.75 percent thereafter. Using these rates and the blended mortality table described in paragraph (2) of the definition of "missing participant annuity assumptions" in §4050.2, the plan administrator determines that the benefit commencing at age 60 is the most valuable benefit (i.e., the benefit at age 60 is more valuable than the benefit at ages 61, 62, 63, 64 or 65). The present value as of the deemed distribution date of each dollar of annual benefit (payable monthly as a joint and 50 percent survivor annuity) is \$5.4307 if the benefit begins at age 60. (Because a new spouse may succeed to the survivor benefit, the mortality of the spouse during the deferral period is ignored.) Thus, without adjustment (loading) for expenses, the value of the benefit beginning at age 60 is \$41,056 ( $12 \times \$630 \times 5.4307$ ). The designated benefit is equal to this value plus an expense adjustment of \$300, or a total of \$41,356.