

CLIENT BULLETIN

Multiemployer Defined Benefit Pension Plans May Need an Automatic Extension to File Form 5500 Due to Extensive Changes Made By PPA

Due to the extensive changes made to Form 5500 by the *Pension Protection Act (PPA)*, many filers are just now beginning to realize that they will probably not have enough time to gather the data needed to file their Form 5500 and will need to file for an extension of time. The deadline for calendar year plans to file Form 5500 is July 31, 2009.

In particular, such plans have indicated that they may need more time due to the information needed to complete Schedule R and the special PPA attachments not previously required. The instructions for the Schedule R begin on page 49 of the 2008 Form 5500 Instructions, with the special *PPA* rules for defined benefit plans starting on page 51. The 2008 Form 5500 instructions are available at: <http://www.irs.gov/pub/irs-pdf/i5500.pdf> or by "[clicking here.](#)" Filers should review these instructions in detail.

A pension plan may obtain a one-time automatic extension of time of up to 2 ½ months to file Form 5500 by filing Form 5558, *Application for Extension of Time To File Certain Employee Plan Returns*, on or before the normal due date (not including any extensions) of Form 5500. Calendar year plans that have not yet filed for an extension must file Form 5558 by July 31, 2009. After Form 5558 has been timely filed, the extended due date for calendar year plans would be October 15, 2009.

According to the instructions to Form 5558, it must be filed with the IRS at the following address: Internal Revenue Service Center, Ogden, UT 84201-0027.

If the Plan is using the U.S. Mail system, Form 5558 must be postmarked on or before the due date to be considered timely filed. Information on using private delivery services is found in the general instructions to Form 5558. Interested filers may obtain a Form 5558 (with general instructions) from the IRS website at <http://www.irs.gov/pub/irs-pdf/f5558.pdf> or by "[clicking here.](#)"

IF THE PLAN IS GOING TO SEEK AN AUTOMATIC EXTENSION, DON'T WAIT UNTIL THE LAST MINUTE TO FILE FORM 5558. Read the instructions to Form 5558 carefully, fill out the Form and send it in to the IRS as soon as possible. Remember Murphy's Law.

For a detailed discussion of the changes in the 2008 Form 5500, see [Research Memo 2008-10](#) and [Benefit News Briefs 2008-61](#).

As a reminder, defined benefit plans have an additional *PPA* disclosure due 30 days after filing Form 5500. See [Research Memo 2009-33](#) for details.

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