Financial Management Service

PFC Journal

Where's my Refund? A Financial Institution's Guide to Internal Revenue Service (IRS) Non-Receipts

Most financial institutions have recently received inquiries from their customers about the status of their IRS tax return payments. Properly handling these inquiries on behalf of your customer not only facilitates good customer service, but also prevents many unnecessary Non-Receipt claims from being filed by the IRS.

Because it is inevitable that certain customers will approach their financial institution about their IRS payment or other Federal benefit payment made by Direct Deposit, it is important that financial institution personnel are properly trained in locating payments for their customers, especially payments that are memo posted or posted prior to settlement date. Statistics captured by Treasury's Financial Management Service (FMS) reveal that over 60% of all missing payments were posted to the financial institution when the recipient called to inquire about their payment. Thorough research of these payments by financial institutions will help to eliminate unnecessary Non-Receipt claims that must be processed by IRS and FMS. Financial institution employees should be aware of the various techniques and procedures utilized by their institution to post payments in order to aptly assist their customer with the status of their Direct Deposit payment.

Below are the steps a financial institution should take before referring the recipients to the IRS, or another authorized Federal agency:

- Determine if the payment was posted late
- Determine if the payment was memo posted
- Determine if the payment was posted early
- Determine if a third party processor is used. If so, confirm the funds are available and notify the customer of the outcome
- Determine if the payment was an exception item

Inside this issue:		 The financial institution should be aware that payments could have been posted incorrectly, posted manually, or returned to FMS due to incorrect banking information being used. In cases where the financial institution did not receive the payment for the recipient, the financial institution should ask the recipient the following questions: Were there any changes to their banking information, such as account number or type of account? Did they change financial institutions? Did they verify entitlement for their payment with IRS, or the authorizing agency?
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Where's my Refund? (Continued)

If all efforts to locate the payment have failed, the financial institution should instruct the recipient to file a Non-Receipt claim with the IRS, or the appropriate Federal agency.

Upon notification from the recipient that a payment has not been received, the authorizing agency will notify FMS. FMS will research the claim via Follow-Up Trace Request (FMS 150.1) or Initial Trace Request (FMS 150.2) forms to determine the status of the payment. FMS will initiate contact with the financial institution by telephone or by mailing the FMS-150.1 or FMS 150.2 forms to the appropriate financial institution in an attempt to locate or resolve the non receipt claim. The FMS 150.2 form is used to trace payments dated the current or previous month. Upon receipt of the FMS 150.2, the financial institution should follow these steps:

- Make all attempts to locate the payment
- Credit the customers account if they have not done so already
- Return the payment if for any reason the financial institution cannot credit the customer account
- Use the customer's copy of the FMS 150.2 form to notify the recipient of the status of the payment

The FMS 150.1 form is used to trace payments with an issue date two months or older or as a follow-up notice for previous Non-Receipt claims. Upon receipt of the FMS 150.1, the financial institution should follow these steps:

- Make all attempts to locate the payment
- Credit the customers account if they have not done so
- Return the payment if for any reason the financial institution cannot credit the customers account
- Complete the Financial Institution Action section within three (3) business days of the receipt of the FMS 150.1
- Return the Disbursing Office Copy to the FMS office identified on the form
- Use the Customer's Copy to notify the recipient of the status of the payment

The financial institution must respond to FMS within three (3) days by completing and returning the FMS 150.1 form to the Regional Financial Center indicated on the form. If no reply is received from the financial institution, FMS will call the financial institution and pursue the case until it is resolved. If FMS cannot resolve the case by either method, a letter will be sent to the Vice President of the financial institution requesting assistance.

For more information, please refer to Chapter 3 (Non-Receipts) and Chapter 4 (Returns) of the Green Book at: http://www.fms.treas.gov/greenbook. For additional information or specific questions, please feel free to contact the Education & Marketing Staff at (215) 516-8154 or Philly@fms.treas.gov.

IRS Non-Receipt Fact: Out of the 23,544 IRS Non-Receipts processed in Fiscal Year 2008, 89% were posted on payment date.

Notifications of Change—The Agency's Perspective

Notification of Change (NOC) is a method available to financial institutions to notify a Federal agency to correct or change account information in an entry the Federal agency processed through the Automated Clearing House (ACH). In certain circumstances, a financial institution may receive a payment file with erroneous information on it; however, they are able to identify the payment and post it to the correct account. In such cases, the financial institution may issue an NOC to correct the erroneous information. A financial institution may also issue a NOC when it merges with another bank and a change in routing number results. NOCs are used for Federal government (both civilian and military)

payments that are made on a recurring basis. Examples are:

- Social Security Administration
- Railroad Retirement Board
- Supplemental Security Income
- Department of Veteran Affairs
- Office of Personnel Management
- Federal salary
- Treasury Direct
- Vendor and miscellaneous



In Fiscal Year 2008, PFC provided Federal Program Agencies (non-benefit) with 192,432 Notifications of Change.

NOCs should not be used to change title/ownership of an account, change interest of the recipient or beneficiary in the account, change accounts from one financial institution to the other, or for one time payments, such as an IRS tax refund. In these circumstances, a new enrollment form must be processed and/or the payee should be directed to contact the agency directly.

The use of NOCs prevents delays often associated with returned ACH payments. If a financial institution is able to correct an error on an ACH payment file, they will often accept and post the entry as an exception item instead of returning the entry. The financial institution consequently sends the NOC, with the correct information needed for automated processing, back to the originating agency so that its master payment record can be updated with the correct bank information prior to the next payment.

Treasury has become aware that, in certain circumstances, federal agencies do not react timely to NOCs sent by financial institutions. According to Chapter 6 of FMS' Green Book (Guide to Federal ACH Payments and Collections), "NOCs will be processed for the next ACH transaction. (Due to operation limitations, it may take two payment cycles for some NOCs to be processed)." Despite this guidance, a significant number of NOC requests are unaddressed by federal agencies and result in frustration for both the recipient and the financial institution. Ultimately, the financial institution is often forced to return payments that could otherwise have been posted had the Federal Agency acted timely upon the NOC, thereby causing a significant delay in recipients receiving their Federal payment.

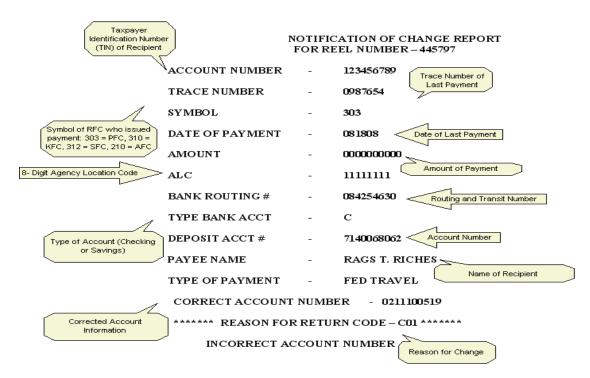
Upon receiving an NOC, agencies should take measures to ensure that the erroneous payment file information is corrected before submitting the next payment by ACH. If your agency received an NOC, you should ensure that the party responsible for updating your accounts receivable records receives a copy. This is customarily staff that works in your agency's accounting area or payment certification area. NACHA has an approved list of NOC change codes that indicate any changes that need to be made to your payment file, prior to the next payment cycle.

Notifications of Change—The Agency's Perspective (continued)

Some of the more common codes are listed below:

- C01—Incorrect Account Number
- C02—Incorrect Routing Number (RTN)
- C03—Incorrect RTN and Account Number
- C05—Incorrect Transaction Code (Checking/Savings Account)
- C09—Incorrect Individual Identification Number

For nearly all federal agencies, the NOC is provided on a paper report detailing a recently posted payment, with all of the necessary updates required for the next payment cycle. Below is an example of an NOC, with explanations for each of the fields located on the form.



The Philadelphia Financial Center (PFC) has recently undertaken multiple initiatives to facilitate the improvement of the NOC process. First, PFC has developed a cover letter that will be included with subsequent mailings of the NOCs. This document provides guidance on how to handle the NOC appropriately. Secondly, PFC will be emailing an NOC Survey to their customer agencies to confirm several components of the process, namely the correct mailing address and point of contact for each agency, and also to provide a venue to offer feedback and suggestions on potential improvements to the process.

Additionally, it is important to note that agencies may have the option to receive these notifications electronically. If you are interested in exploring an electronic alternative to paper, or are receiving NOCs and are unsure how to address them, please contact Lisa Andre, Accredited ACH Professional (AAP), at (215) 516-8142. For more information on NOCs, please refer to the Green Book, Chapter 6, Notifications of Change at http://www.fms.treas.gov/greenbook. Specific questions regarding NOCs can be directed to the Education & Marketing Staff at (215) 516-8154 or Philly@fms.treas.gov.

Updating Your Financial Institution's Information with the FRB – A Quick Guide

The Financial Organization Master File (FOMF) is a Department of the Treasury master list of financial institutions receiving Federal government Automated Clearing House (ACH) payments. It contains the Routing Transit Numbers (RTN) and a single financial institution name, mailing address and contact phone number for each RTN. The FOMF is derived from the Federal Reserve Bank's (FRB's) ACH Customer Directory (ACD), which contains the RTNs and related information of all valid ACH participants. The FOMF is updated on a monthly basis using information from the most current ACD file.

The Department of Treasury's Financial Management Service (FMS) relies on the contact information provided via the FOMF to send financial institutions time sensitive correspondence, such as Notices of Reclamations. These documents are mailed by FMS to the address listed on the ACD. In the event that a Notice of Reclamation is returned to FMS for an insufficient or incorrect address, the financial institution's liability does not change. If the financial institution fails to respond to the Notice of Reclamation correctly and timely, they are liable for the entire amount of the Notice of Reclamation. This could result in a substantial debit to your Federal Reserve account that could have been avoided if correct information was provided in your ACD profile. The phone number provided in the ACD is used by our Teletrace program to research ACH non-receipt claims from Federal payment recipients. It is important for us to be able to contact your institution's ACH Department by phone so that your customer's non-receipt claim can be resolved in a timely fashion.

Ultimately, financial institutions are responsible for keeping their name, mailing address and phone number for each RTN current and accurate with the FRB. Any changes to RTN data should be provided to the FRB as soon as possible so that the ACD and FOMF contain current data. If the financial institution fails to notify the FRB, it will be held liable for information (e.g., reclamation notices) mailed to obsolete addresses.

If a financial institution changes RTNs (e.g., due to merger), it must notify its servicing FRB's ACH Department as soon as possible to have the old RTN updated on the ACD. Updates to the ACD will automatically update the FOMF. Additionally, financial institutions should send a Notification of Change (NOC) to each originating Federal agency from which it receives recurring payments to update their RTN in their respective payment files.

The following steps should be taken in updating RTNs:

- Delete an obsolete RTN only after all activity has been transferred to the surviving RTN
- Confirm that no activity is being received on the obsolete RTN prior to deletion
- Allow at least three months after the update to the ACD before deleting an obsolete RTN

If an institution wants to update the information that appears on the ACD file, they should submit "Attachment E" of the FedACH Participation Agreement to their designated FedACH Central site. The FedACH Participation Agreement can be accessed on the FRB website: http://www.frbservices.org/StandardForms/index.html.

<u>Atlanta</u> Toll Free: (866) 234-5681

<u>Districts Supported</u>: Boston (1), New York (2), Philadelphia (3), Cleveland (4), Richmond (5), Atlanta (6) <u>Minneapolis</u> Toll Free: (888) 883-2180

<u>Districts Supported</u>: St. Louis (8), Minneapolis (9), Kansas City (10), Dallas (11), San Francisco (12)

Cooperation from the Financial Community is Key for Tele-TRACE Program

Most likely, your financial institution has received calls from the US Department of Treasury's Financial Management Service (FMS) to research Social Security Direct Deposit payments in order to resolve claims of non-receipt by recipients. FMS' Philadelphia Financial Center (PFC) and Kansas City Financial Center (KFC) receive and process an average of over 6,500 non-receipt claims a month to support the Tele-TRACE program, which traces "lost" Social Security (SSA), Supplemental Security Income (SSI) and Veteran's Administration (VA) payments for beneficiaries. Statistics have revealed that over 60% of payments in which a non-receipt claim has been filed have, in actuality, been posted to the customer's account on payment date, according to the banking information they provided SSA/VA.

Specifically, FMS representatives support the Tele-TRACE program by contacting financial institutions to determine the status of Direct Deposit payments and subsequently informing the beneficiaries of the status. FMS representatives have all pertinent account information relating to each non-receipt claim, and therefore call financial institutions solely for the purpose of confirming that the payment was appropriately credited to the recipient's account. Consequently, FMS representatives will not request any additional financial/personal data on the recipient.

PFC representatives will call to confirm the following information:

- Account number
- Routing Number
- Payment Date
- Payment Amount
- Recipients name

In cases where a payment is posted to an incorrect account or the recipient's name is not on the account, FMS representatives will forward your financial institution a letter requesting that the funds be returned with return code R06 (Returned per Originating Depositary Financial Institution's Request), or that you provide the account-owner's information to SSA/VA in the event the funds are unavailable for return.

We live in a world where identity theft is prevalent and there are overwhelming concerns about protecting privacy. It is because of these factors that FMS representatives often meet resistance from financial institution representatives, who are looking to protect the best interest of their customers and their own liability. While the Treasury Department recognizes and respects these concerns, there are various legal and regulatory sources which support the release of information for the purpose of facilitating the Tele-TRACE program:

12 USC 3413: Right to Financial Privacy Act of 1978

There is an exemption to the Right to Financial Privacy Act that allows for the disclosure of information about individuals receiving benefit payments from Social Security, Railroad Retirement Board, and Veteran's Administration, if disclosure of this information is necessary to support critical agency functions. Specifically, the Right to Financial Privacy Act of 1978 states that: "Nothing in this title shall apply to the disclosure by the financial institution of the name and address of any customer to the Department of the Treasury, the Social Security Administration, or the Railroad Retirement Board, where the disclosure of such information is necessary to, and such information is used solely for the purpose of, the proper administration of section 1441 of the Internal Revenue Code of 1954, title II of the Social Security Act, or the Railroad Retirement Act of 1974."



Not sure it's actually Treasury? Ask the representative to fax the request to verify their identity.

31 CFR Part 210.3(c): Federal Government Participation in the Automated Clearing House (ACH)

By accepting Federal Government ACH payments, your financial institution agrees to the provisions in 31 CFR Part 210 and the procedures in the Green Book. Specifically, 31 CFR Part 210.3(c) states that: "Any person or entity that originates or re-

Tele-TRACE Program (Continued)

ceives a Government entry agrees to be bound by this part and to comply with all instructions and procedures issued by the Service under this part, including the Treasury Financial Manual and the Green Book."

Green Book, Chapter 3, Non-Receipts

The Green Book Chapter on Non-Receipts describes a financial institution's responsibility in the resolution of non-receipt claims alleged by a customer of their financial institution. Specifically, this Chapter states that: "Receiving Depositary Financial Institution's (RDFI's) should be aware of the following situations that often result in unnecessary non-receipt claims. The RDFI should make every reasonable attempt to locate a payment prior to redirecting a recipient to the authorizing Federal agency. RDFI employees should be educated on the numerous scenarios and various posting techniques utilized to better assist customers who are concerned with the status of a direct deposit."

It additionally details the Tele-TRACE program: "FMS has partnered with several Federal agencies to research Direct Deposit non-receipt claims. The Kansas City Financial Center (KFC) and/or Philadelphia Financial Center (PFC) will call the RDFI directly to resolve claims of non-receipt. FMS has access to all of the payment information and will process claims via telephone (Tele-TRACE). Once the reason for non-receipt has been determined, FMS will telephone the recipient to inform

him/her of the resolution. FMS will mail a letter if unable to reach the recipient by telephone. Keep in mind that RDFI's can be held liable for ACH payments not processed timely or correctly. If the Federal government sustains a loss as a result of a financial institution's improper handling of an entry, the financial institution is liable to the Federal government for the loss, up to the amount of the entry."

Green Book, Chapter 4, Returns

The Green Book Chapter on Returns describes a financial institution's responsibility to return Government ACH payments that cannot be posted to an account at their institution. Specifically, this Chapter states that: "Un-postable payments must be returned so that they are received by the Government Disbursing Office (ODFI) no later than the opening of business on the second banking day following the settlement date of the origi-

nal entry. Under no circumstances should a financial institution hold payments indefinitely in a suspense account, or by any other means, nor should payments otherwise be held if any of the conditions apply on when to return a payment. Holding payments may constitute a breach of the financial institution's warranty for the handling of federal government ACH payments under regulations codified in 31 CFR Part 210."

ACH Rules, Article One, Section 1.6.1: Records of Entries

Article One of the ACH Rules provides for a six year retention period for ACH payments. Consequently, financial institutions are responsible for providing a printout or reproduction of the information relating to an ACH entry, provided that the individual requesting this information is the customer or a participating depositary financial institution. This requirement applies to Tele-TRACE inquiries because FMS is an originating depositary financial institution on behalf of SSA/VA in the ACH network.

These various rules, regulations, and procedures support the Tele-TRACE program and provide your financial institution with the regulatory foundation to confirm or verify information about your account holders receiving SSA/SSI/VA payments. It is also important to recognize that the Tele-TRACE program is designed to assist your account holders in locating their payments, and therefore your cooperation with the Tele-TRACE program and FMS representatives enhances customer service for your account holders.

If you have any questions about the Tele-TRACE Non-Receipt process, please feel free to contact the Education & Marketing Staff at (215) 516-8154 or Philly@fms.treas.gov.

Teletrace Fact:

78,272 Teletrace cases were processed between the Philadelphia and Kansas City Financial Centers in 2008.

Tip Sheet for Financial Institutions: How to Limit Your Liability for ACH Treasury Reclamations

Reclamation is a procedure used by the Federal government to recover benefit payments made through the Automated Clearing House (ACH) to the account of a recipient who died or became legally incapacitated or a beneficiary who died before the date of the payment(s). The government's right to reclaim funds is established in Title 31 of the Code of Federal Regulations Part 210, Subpart B, Section 210.10(a). By accepting a recurring benefit payment from the government, a receiving depository financial institution (RDFI) agrees to the provisions of 31 CFR 210, including the reclamation actions and debiting of the RDFI's Federal Reserve Bank account for any reclamation for which it is liable.

Under 31 CFR Part 210, financial institutions are fully liable for all Federal benefit payments received through the ACH after death. Financial institutions can limit their liability for payments subject to reclamation if they had no actual or constructive knowledge of death at the time of deposit or withdrawal of post death payments, and adhere to the following guidelines outlined below:

- Immediately return any post death payment(s).
- The financial institution should immediately determine if the account balance is sufficient to cover the amount of the Notice of Reclamation and return any remaining balance up to the amount of the reclamation. This minimizes the risk of incurring any liability for the withdrawal of any post-death payments. When returning a partial payment, the financial institution must return a check to the Regional Financial Center specified in the notice
- The financial institution should check for other types of Federal benefit payments received by the deceased and take steps to ensure these post-death payments are returned promptly. If the account remains open and additional payments are credited to the account, these payments become a part of the amount that must be returned in response to the Notice of Reclamation
- The financial institution must mail the Notice to Account owners copy of the Reclamation form to the last address of the account owners, notifying the owners of any action it plans to take against the account and certify on the form (in certification #1) that the account owners copy was mailed.
- The financial institution must also provide the name and address of any account owners or persons with access to the account if returning less than the full amount of the Notice of Reclamation for Federal benefit payments received from the Railroad Retirement Board, Social Security

Reclamation Tip:

Account for mail float and processing time when mailing a Notice of Reclamation. It can take a Regional Financial Center 1-3 days to process a response.

Administration, and Veterans Administration. The Right to Financial Privacy Act prohibits financial institutions from releasing account holder information for all other Federal benefit payments subject to reclamation. Financial institutions should enter "*Federal Law Prohibits the release of this information – refer to Title 31, CFR Part 210 and the Green Book*" for these payments, if attempting to limit their liability.

- The financial institution must certify (certification # 2) the date it received the reclamation and the date it first learned of the death or incapacity of the recipient. When any of the above information cannot be provided, the financial institution should include a written statement explaining why the information cannot be furnished.
- Respond to the Notice of Reclamation timely so that it is received by the Regional Financial Center within 60 days from the date of the notice. If the financial institution fails to limit its liability by the 61st day after the original notice, their Federal Reserve account will be debited for the full amount of the reclamation.

For more information on reclamations policy questions, please contact the Education & Marketing Staff at (215) 516-8154 or Philly@fms.treas.gov. Questions on specific reclamations should be directed to the San Francisco Financial Center at (510) 594-7183 or the Austin Financial Center at (512) 342-7300.

What's in a Code? A Financial Institution's Guide to Federal ACH Returns

Financial institutions can utilize the Automated Clearing House (ACH) system to return electronic Federal benefit payments back to federal agencies. Financial institutions return ACH payments that cannot be posted to a recipient's account for a variety of reasons, for example, if a recipient's account is closed or the recipient is deceased. The ACH system is governed by the National ACH Association (NACHA), who regulates the use of ACH transactions and sets guidelines for proper system usage. The Financial Management Service's (FMS) Green Book (Guide to Federal ACH Payments and Collections), Chapter Four, Returns, outlines proper usage of the ACH Return function as is relates to Federal payments.

ACH Returns Fact:

While FMS systems can accept any ACH Return Code, there is a list of *acceptable* codes for Federal Government Payments FMS is committed to educating financial Institutions on the proper use of ACH return reason codes. The ACH return reason code assists federal agencies, such as the Social Security Administration (SSA) or the Veterans Administration (VA), in determining how to update a recipient's payment information. Utilizing acceptable ACH return reason codes plays a critical role in an agency being able to reissue a payment in a timely fashion by correcting or updating data in their payment file.

Statistics revealed that in 2007 financial institutions frequently returned Federal ACH payments with return codes that are not appropriate for the Federal

Government. These included both Receiving Depository Financial Institution (RDFI) return reason codes, as well as codes reserved only for ACH Operators. Although the FMS system has the capability of accepting all NACHA approved return reason codes, financial institutions are encouraged to use only those codes prescribed in the Green Book, Chapter 4 (Returns), Section 2, so that agencies can make the appropriate changes to their payment file records. Listed below are the codes that are deemed acceptable by the Federal Government:

- R02 Account Closed: A previously open account has been closed by the customer or the RDFI.
- **R03 No Account/Unable to Locate Account:** The account structure is valid but does not correspond to the individual or company listed on the entry, or the account number indicated is not a valid account
- **R04 Invalid Account Number:** The account number structure is not valid or may contain an incorrect number of digits
- **R06 Returned Per Originating Depositary Financial Institution (ODFI) Request:** When the RDFI agrees to return the ACH credit at the request of the ODFI, Article Six of the NACHA Operating Rules states that the ODFI must indemnify the RDFI by providing a R06 letter
- **R14 Representative Payee Deceased or Unable to Continue in that Capacity:** The representative payee is the person or institution authorized to receive payments on behalf of one or more persons. The person they represent may be a legally incapacitated adult, or a minor. The representative payee is either deceased, or alive, but unable to continue in that capacity.
- **R15 Beneficiary or Account Holder (Other than a Representative Payee) Deceased:** The beneficiary who may or may not be an account holder is the person entitled to the benefits and is deceased; or the account holder who is a non-representative payee is an owner of the account and is deceased
- **R16 Account Frozen:** Access to the account is not allowed because of specific action taken by the RDFI or by legal action
- **R17 File Record Edit Criteria (Specify):** Some fields that are not edited by the ACH Operator are edited by RDFI. If the RDFI cannot process the entry, the fields that are causing the error must be indicated in the

ACH Returns (Continued)

A review of Fiscal Year 2007 statistics revealed the following issues with ACH returns coding:

- 11,827 out of 743,979 SSA returned ACH payments contained unacceptable return reason codes such as Customer Advises Not Authorized (R10), Credit Entry Refused by Receiver (R23), Duplicate Entry (R24), and Corporate Customer Advises Not Authorized (R29).
- 5,693 out of 376,887 IRS returned ACH payments contained unacceptable return reason codes such as Insufficient Funds (R01), Invalid ACH Routing Number—Reserved for ACH Operator (R13), Non-Transaction Account (R20), and Invalid Individual Name/Company Name—Reserved for Federal Government Agency (R45).
- 2,600 out of 133,467 VA returned ACH payments contained unacceptable return reason codes such as Uncollected Funds (R09), Account Sold to Another Depositary Financial Institution (R12), and Credit Entry Refused by Receiver (R23).

Financial institutions are encouraged to review the Green Book, Chapter 4 (Returns) for proper codes. FMS will continue to review returned ACH payments for improper codes and conduct outreach to educate the financial community on the appropriate usage of return reason codes for Federal payments. For additional information, please contact the Education & Marketing Staff at (215) 516-8154 or Philly@fms.treas.gov.

Get Involved! Reaching Out to the Financial Community

Have you ever received a call from the "Treasury Department" on a non-receipt claim, but were not sure if it was fraudulent? Are you unsure of what information you should be providing to callers from the Treasury Department on non-receipts? If so, we are looking for your participation. The Philadelphia Financial Center (PFC) and the Kansas City Financial Center (KFC) are exploring the concept of hosting a *Webinar* to open the lines of communication between the financial community and PFC/KFC with regards to non-receipt claims. This invitation is open to all Regional Payment Associations (RPA's) and Financial Institutions. If you are interested in participating in such a *Webinar*, please contact Lisa Andre, Accredited ACH Professional (AAP) at (215) 516-8142 or Lisa.Andre@fms.treas.gov.



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The PFC Journal is available exclusively on our website.