

IRM PROCEDURAL UPDATE

DATE: 08/09/2024

NUMBER: ts-21-0824-0914

SUBJECT: New Press Release for ERC Claims Processing

AFFECTED IRM(s)/SUBSECTION(s): 21.7.2.7.2

CHANGE(s):

IRM 21.7.2.7.2(5) Revised paragraph (5) text and added a new bullet with a link and information for a new press release.

(5) Due to concerns with increasing volumes of dubious and inaccurate claims, the IRS instituted a moratorium on processing new ERC claims received after the moratorium was announced on September 14, 2023 (see the third bullet below for information on a subsequent revision altering the moratorium effective date to **January 31, 2024**). The IRS has also slowed the pace of processing previously filed but unpaid ERC claims. If you receive a call regarding a Form 94XX claiming ERC, advise the taxpayer as per the preceding two sentences and refer the taxpayer to the following news releases on the IRS.gov website:

- To protect taxpayer from scams, IRS orders immediate stop to new Employee Retention Credit processing amid surge of questionable claims; concerns from tax pros. The press release includes an Employee Retention Credit Eligibility Checklist to help taxpayers determine their eligibility for the credit as well as other important information regarding ERC.
- IRS enters next stage of Employee Retention Credit work; review indicates vast majority show risk of being improper was issued on June 20, 2024 to provide details of IRS efforts to address Forms 94XX claiming ERC including an anticipated increase in processing pace for pre-moratorium filings while retaining the moratorium on processing claims filed after September 14, 2023.
- IRS moves forward with Employee Retention Credit claims: Agency accelerates work on complex credit as more payments move into processing; vigilance, monitoring continues on potentially improper claims was issued on August 8, 2024 to provide updates on IRS efforts to address Forms 94XX claiming ERC and altered the moratorium effective date to apply only to claims for ERC filed after January 31, 2024. Claims filed in the period between the initially announced moratorium date of September 14, 2023 and the new moratorium effective date will continue to receive increased scrutiny and may experience delays in processing.

NOTE: If the taxpayer asks about the processing status of a previously filed Form 94XX after having been directed to the web resources identified above, complete account research as usual to verify whether we have a record of having received their Form 94XX. If found, confirm receipt of the Form 94XX and advise the taxpayer that we cannot provide any additional information at this time as to the status or timeframe for processing their Form 94XX and that we will contact them in the event more information is needed to complete its processing.