



## Memorandum

To: FSA/HRA Participants in plan years ending 12/31/19, 2/29/20, 3/31/20, 4/30/20, 5/31/20 and possibly longer

*In accordance with ERISA Section 518, the DOL and the IRS jointly issued guidance (“Joint Guidance”) that directs group health plans to disregard the period between March 1, 2020, and 60 days after the announced end of the COVID-19 National Emergency (the “Relief Period”) when calculating certain plan related time periods described below. Consequently, the application of the Joint Guidance means that (i) any of the following time periods that began before March 1 but did not expire prior to March 1 are tolled until the end of the Relief Period, and (ii) the start date of any of the following time periods that would otherwise begin on or after March 1 is postponed until the end of the Relief Period:*

- ) The time period under the plan for the claimant to file a benefit claim (including the run out period for Health FSAs) and the 180 day period to file an appeal (as well as the time period under the plan for filing a second level appeal); this does not change the period of time to incur services.*

**Example 1:** On March 1<sup>st</sup>, the participant had 31 days left to submit run-out claims for 2019. As of March 1<sup>st</sup>, the 31 days are suspended and continue to be suspended until May 31, 2020 (*fictional* end date of the National Emergency) + 60 days of relief period, which is July 30, 2020. Now, the participant has 31 days from July 30, 2020 (the end of the relief period) to submit 2019 claims. The new end date for run-out claims is August 30, 2020 in this example. Claims may be submitted during this entire period.

**Example 2:** On March 31<sup>st</sup>, the plan year ends and the plan has a 60 day claims run-out period. As of March 1<sup>st</sup>, the 60 days are suspended and continue to be suspended until May 31, 2020 (*fictional* end date of the National Emergency) + 60 days of relief period, which is July 30, 2020. Now, the participant has 60 days from July 30, 2020 (the end of the relief period) to submit 2019 plan year claims. The new end date for run-out claims is September 29, 2020 in this example. Claims may be submitted during this entire period.