

## ERC: Due Dates

Many Bible Colleges and Seminaries are still prayerfully considering whether they might be able to “leverage” some funds from the Employee Retention Credit(s) that were parts of various Coronavirus legislation packages.

A common question these days is: “What is the deadline for filing Forms 941-X to “claim” the ERC funds?”

Great question.

Generally, for tax filings there is a 3-Year “deadline” – the amended/updated/”X” return would be due on the third anniversary of the earlier of date of filing or due date of the original return.

However, for Form 941-X’s, there are different rules. Forms 941 for a given year – if filed timely are all considered to be filed on the following April 15<sup>th</sup> for these purposes.

Thus, for ERC “claims” the deadlines for filing Form(s) 941-X are for “2020 = April 15, 2024 / 2021 = April 15, 2025

From the IRS FAQs...

### **Is There a Deadline for Filing Form 941-X?**

Generally, you may correct overreported taxes on a previously filed Form 941 if you file Form 941-X **within 3 years of the date Form 941 was filed** or 2 years from the date you paid the tax reported on Form 941, whichever is later. You may correct underreported taxes on a previously filed Form 941 if you file Form 941-X within 3 years of the date the Form 941 was filed. **We call each of these time frames a “period of limitations.” For purposes of the period of limitations, Forms 941 for a calendar year are considered filed on April 15 of the succeeding year if filed before that date.**

IRS Example:

**Example.** You filed your 2019 fourth quarter Form 941 on January 28, 2020, and payments were timely made. The IRS treats the return as if it were filed on April 15, 2020. On January 18, 2023, you discover that you overreported social security and Medicare wages on that form by \$350. To correct the error, you must file Form 941-X by April 18, 2023, which is the end of the **period of limitations** for Form 941, and use the claim process.

### TIPS/TRAPS:

- Carefully review/follow instructions for Form 941-X
- “Date you discovered errors” (middle right of Form 941-X, page 1)
- Remember – “NEGATIVE” Amounts in Form 941-X, Part 3
- Check your MATH!