Health Savings Account (HSA) Mistaken Contributions Form

Acknowledgment: Employer acknowledges and agrees that under Internal Revenue Service Code Section 223 (26 U.S.C. § 223) and related IRS regulation, the IRS allows the reversal of mistaken employer contributions to an employee's HSA in only the two limited instances ("mistaken employer contributions") described below.

1. **Erroneously contributing more than the annual maximum statutory limit.** If the employer contributed amounts that exceed the maximum annual contribution allowed under Code § 223(b), the employer may ask Aptia to return the erroneous excess contributions to the employer.
2. **Mistake regarding eligibility to establish an HSA.** If the employee on whose behalf the employer makes HSA contributions was never an HSA-eligible individual under Code § 223(c), the employer may ask the HSA administrator to return the contributions that the employer made to the employee's HSA for that calendar year.

An employer may not reverse contributions made during any previous taxable years. (If the employer does not recover the amounts by the end of the taxable year, the amounts must be included as gross income and wages on the employee's Form W-2 for the year in which the employer made the contributions.)

A private letter ruling included other situations that may be considered with regard to Employer and Payroll contributions, such as administrator error. While a letter of this type is not considered official guidance from the IRS like a regulation or a revenue ruling would be, it does provide the IRS' viewpoint on how the tax law is to be interpreted.

Employer hereby requests Aptia to return the mistaken employer contributions for the HSA participant(s) listed below. **Note:** All fields below must be completed for this form to be properly processed.

Step 1: Employer Information

Employer Name (Do not abbreviate)

Calendar Year Contributions Made (Must be current calendar year)

Step 2: Participant Information

HSA Participant Name	Contribution Date (MM/DD/YYYY)	SSN or Employee ID	Amount Contributed and Posted in Error — This amount will be removed from the participant's account.	Correct Amount to Be Posted — This amount will be posted to the participant's account.	Is Amount Being Removed an Employer or Payroll Contribution? (Please type Employer or Payroll)

Step 3: Authorization

By submitting this form, Employer authorizes and instructs Aptia to return mistaken contributions. Aptia advises employer to seek legal and/or tax advice regarding the propriety of this request. Employer releases, acquits, and forever discharges Aptia and Custodian from any liability or responsibility directly or indirectly arising from an employer's decision to reverse mistaken contributions, an accountholder accessing such contributions prior to the employer's request for reversal or an accountholder accessing such contributions before Aptia is able to process the employer's request for reversal. Aptia and Custodian are fully protected in relying upon all representations made by employer. Employer shall defend, indemnify, and hold harmless Aptia and Custodian from and against any and all liability by reason of or related to its reversal of mistaken contributions. Employer certifies that affected HSA participants have been notified of the reversal being requested.

Print Name

Job Title

Employer Signature

Date

Please return this completed form to aptia365employer@serviceaccount.com