



DOL Expands DFVC Program to Include Form M-1 Filings

Issued date: 01/20/26

The U.S. Department of Labor (“DOL”) has expanded the Delinquent Filer Voluntary Compliance (“DFVC”) Program to cover Multiple Employer Welfare Arrangements (“MEWAs”) and Entities Claiming Exception (“ECEs”) that have missed their M-1 filing requirements.

■ Background

The DFVC Program was designed by the DOL to encourage voluntary compliance with the annual reporting requirements under the Employee Retirement Income Security Act of 1974 (“ERISA”). The DFVC Program gives delinquent plan administrators a way to avoid potentially higher civil penalty assessments by satisfying the program’s requirements and voluntarily paying a reduced penalty amount.

Previously, the DFVC Program applied to plan administrators filing overdue Form 5500s. Under the program, the maximum penalty amount for a Form 5500 for a given plan year is \$750 for small plans (i.e., a plan with fewer than 100 participants at the beginning of the plan year) and \$2,000 for large plans (i.e., a plan with 100 or more participants at the beginning of the plan year). If submitting more than one delinquent Form 5500 filing for the same large plan, the maximum penalty amount is \$2,000 for each Form 5500, not to exceed \$4,000 per plan.

The DFVC Program also provides reduced penalties for plan administrators filing annual reports for top hat plans and apprenticeship and training plans.

The relief under the DFVC Program is not available if the DOL has already notified the plan of its failure to file.

■ DFVC Program Expanded to Include Form M-1 Filings

Effective December 31, 2025, the DOL announced that the DFVC Program has been expanded to include delinquent Form M-1 filings.



Form M-1 is a required annual filing for:

- MEWAs that are group health plans (i.e., plan MEWAs);
- MEWAs that are not group health plans but provide benefits that consist of medical care (i.e., non-plan MEWAs), and;
- ECEs (i.e., an entity that claims it is not a MEWA because it is established or maintained pursuant to one or more collective bargaining agreements as determined by the Secretary).

Following a review of the DFVC Program, the DOL has expanded the penalty relief to plan MEWAs, non-plan MEWAs, and ECEs who are required to file the Form M-1. Administrators subject to the requirement who have missed the Form M-1 filing will now be permitted to file delinquent Form M-1 filings through the expanded program and voluntarily pay a maximum penalty of \$750.

Without participating in the DFVC Program, the statutory penalty for failure to file Form M-1 is up to \$1,992 per day (for 2025).

■ Other Updates to the DFVC Program

In addition, the DOL simplified and updated the process assessing the flat rate penalty of \$750 for top hat plans and apprenticeship and training plans by providing a direct link for payment. Previously, these plans were directed to a DFVC payment calculator.

■ Employer Action

Administrators of MEWAs and ECEs should speak with their legal counsel to determine whether they have been compliant with Form M-1 filing requirements and consider utilizing the expanded DFVC Program if discovering any missed filings.