

G _____
Last 4 Digits of SSN Employee Identification Number

You may submit this form via email to brespon@bers.nyc.gov.

You may also submit this form via fax to (718) 935-4124 or (718) 935-3830.

APPLICATION FOR WITHDRAWAL OF ACCUMULATIONS FROM THE TAX DEFERRED ANNUITY

IMPORTANT: If you wish to receive your TDA refund via EFT to the same account as your payroll check, do not enter your banking information on this form. You may submit this form via email to brespon@bers.nyc.gov. You may also submit this form via fax to (718) 935-4124 or (718) 935-3830.

If you wish to receive your TDA refund via EFT to a different account, you must enter your banking information and submit this form by fax to (718) 935-4124 or (718) 935-3830. Do not submit this form via email.

OFFICIAL DATE OF RECEIPT

Name	M.I.	Last Name

Home/Legal Address	Apt. No.

City	State	Zip Code

Please select the appropriate box for the above address.

Check one: Permanent Address Temporary Address

Important: If you select the Permanent Address box, you are authorizing BERS to use the address on this form to update your records.

Mailing Address (if different from above)	Apt. No.

City	State	Zip Code

Primary Telephone Number	Secondary Telephone Number
<input type="checkbox"/> Is this a Cell # <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Is this a Cell # <input type="checkbox"/> Yes <input type="checkbox"/> No

REQUIRED - Primary Email Address	Secondary Email Address

Title	Bureau or School	Age at Termination



TDA WITHDRAWAL APPLICATION

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HARDSHIP

Note: If requesting a hardship distribution, you must complete a Certification of the Need for a Hardship Distribution.

DIRECT ROLLOVER OR TRANSFER

If you wish to directly rollover any taxable portion of your withdrawal, the authorization for Trustee to Trustee Transfer section **must** be completed. Please see the reverse side of this form.

I hereby elect to directly rollover my taxable portion on a Trustee to Trustee basis under the Unemployment Compensation Amendment.

or

I hereby elect to directly transfer my taxable portion to an IRS Qualified Section 403(b) Plan.

I elect to rollover/transfer \$ _____ (show dollar amount) or _____% (show percent) of my total available refund.

Choose one:

I elect to withdraw the remaining balance or I elect not to withdraw the remaining balance

WITHDRAWAL

I elect to withdraw funds from my accumulations in the Tax Deferred Annuity Savings Fund and/or Tax Deferred Variable Annuity Savings Fund as indicated below. I understand that any such amount withdrawn shall first be taken from my Tax Deferred Annuity Saving Fund, and only after it has been exhausted shall an allocation be made from the Tax Deferred Variable Annuity Savings Fund based on the value of a unit for the month following. I further understand that 20% will be withheld and forwarded to the Internal Revenue Service as income tax withholding to be credited against my federal income tax. I understand that any amounts I wish to roll over must be rolled over within 60 days or the amount will be subject to the 20% tax.

I elect to withdraw all accumulations in my Tax deferred Annuity Program.

I elect to withdraw \$ _____ (show dollar amount)

Choose one:

Before taxes (Gross) or After taxes (Net)

_ FOR HARDSHIP ONLY REASON _____



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COMPLETE THIS SECTION FOR ELECTRONIC FUNDS TRANSFER

My TDA refund should be deposited via EFT to the same account as my payroll check YES NO

If you checked YES, do not fill in your banking information below. You may submit this form via email to brespon@bers.nyc.gov

If you checked NO, please enter your banking information below. You must submit your form via fax to (718) 935-4124 or (718) 935-3830.

Exact Name of Financial Institution	Type of Account
<input type="text"/>	<input type="checkbox"/> Checking <input type="checkbox"/> Savings

Name of Account Holder	<input type="text"/>
------------------------	----------------------

Transit Routing/ABA Number (Must be 9 Numbers)	Account Number
<input type="text"/>	<input type="text"/>

- I hereby authorize the Board of Education Retirement System to electronically transfer these funds to my account.
- I understand that any incorrect information provided will affect the transfer of my funds.

AUTHORIZATION FOR TRUSTEE-TO-TRUSTEE TRANSFER

I hereby designate the below named financial institution as transferee of my Eligible Rollover Distribution ("ERD"). To my best belief and understanding, I represent that the designated transferee is an Eligible Retirement Plan that will accept the direct transfer of my ERD and the account to which my ERD is being rolled over is an IRA or a Qualified Trust or Annuity.

LIMITATIONS

I understand that the Board of Education Retirement System will permit only one direct transfer as to each ERD and will not transfer ERD's which total less than \$200.00.

IMPORTANT: Please record the exact name and address of the ERP institution as you wish it to appear on the check:

Name of Account Holder	<input type="text"/>
------------------------	----------------------

IRA Account Number	ABA Number
<input type="text"/>	<input type="text"/>

Name of Institution	<input type="text"/>
---------------------	----------------------

Mailing Address (Street)	State	Zip Code
<input type="text"/>	<input type="text"/>	<input type="text"/>



TDA WITHDRAWAL APPLICATION

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In accordance with Section 33 of the Rules and Regulations of the Board of Education Retirement System, I, the undersigned, do hereby make application to withdraw, as indicated, accumulations in the annuity savings fund and/or variable annuity savings fund, arising from tax deferred annuity net contributions. I hereby acknowledge receipt of the Special Tax Notice for TDA plan payments.

**Signature
REQUIRED** _____

Date _____

State of _____ County of _____

On this _____ day of _____ in the year 20 _____

personally appeared before me the said _____

to me known to be the individual described in and who execute the foregoing document, and he (she) duly acknowledged to me that he (she) executed the same, and the statements contained therein are true.

Signature of Notary Public or Commissioner of Deeds

Affix official seal in the box below



E _____

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Name	M.I.	Last Name

CERTIFICATION OF THE NEED FOR A HARDSHIP DISTRIBUTIONUse this form **only** if you are requesting a **hardship distribution**.

If you are requesting a distribution on account of financial hardship, federal law requires you to certify that this request is necessary to meet one of the financial needs shown in the left-hand column of the chart below. For tax-filing purposes, you should also keep proof to substantiate the amount that you are requesting. The right-hand column of the table below contains a list of the documentation required for each reason for hardship distribution. All documentation must show the amount due.

Check one or more boxes below:

	Reason for Hardship Distribution	Documentation Required
<input type="checkbox"/>	Medical expenses for yourself, your spouse, or your dependents	<input type="checkbox"/> Medical bills after insurance payments, or statement of need signed by a physician <input type="checkbox"/> Explanation of Benefits forms from the insurance company indicating insurance coverage (or reasons for no coverage), patient responsibility, and dates of service for all charges (medical/hospital bills are N/A)
<input type="checkbox"/>	Purchase of a primary residence in which you live, excluding mortgage payments	Mortgage documentation
<input type="checkbox"/>	Tuition and related educational fees for the next 12 months of post-secondary education for yourself, your spouse, your children, or your dependents	Tuition notice
<input type="checkbox"/>	The need to prevent eviction from your principal residence or to prevent foreclosure on the mortgage of your principal residence	Eviction notice or foreclosure notice
<input type="checkbox"/>	Payment for burial or funeral expenses for a deceased parent, spouse, child, or dependent	Burial or funeral expense bills identifying the decedent
<input type="checkbox"/>	Expenses for the repair of damage to your principal residence that would qualify for the casualty loss deduction allowed by Section 165 of the Internal Revenue Code, excluding damage from progressive deterioration (described in IRS Publication 547)	A written explanation of the reason for the casualty loss, the location of the loss, unpaid bills showing the cost of repairs, and certification that the loss is not covered by insurance
<input type="checkbox"/>	Expenses or losses related to a federally declared FEMA Disaster Area . State special disaster below: _____	Itemized receipts, credit card statements, or unpaid invoices identifying the expense(s); employer-certified attestation of your loss of income resulting from the disaster



CERTIFICATION - HARDSHIP DISTRIBUTION

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Board of Education
Retirement System

65 COURT STREET
BROOKLYN, NEW YORK 11201-4965

I hereby certify the following:

1. I qualify for a hardship distribution in the amount of \$ _____ on the grounds identified on page 5.
2. The amount for the disbursement request does not exceed the amount needed to satisfy the immediate and heavy financial need indicated above. (The hardship disbursement amount may include additional amounts necessary to pay anticipated federal or state income taxes and penalties.)
3. I have taken all other distributions (other than hardship distributions) available under any other employee benefit plans to which I have access.
4. I have insufficient cash or other liquid assets to satisfy the need.

Signature

REQUIRED _____

Date _____

State of _____ County of _____

On this _____ day of _____ in the year 20 _____

personally appeared before me the said _____

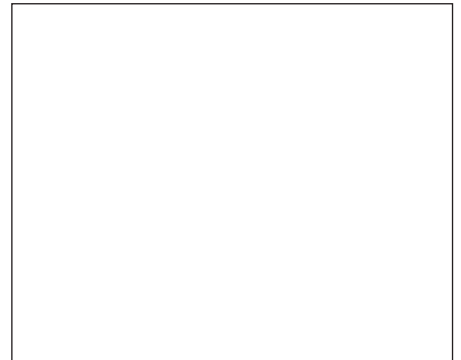
to me known to be the individual described in and who execute the

foregoing document, and he (she) duly acknowledged to me that he

(she) executed the same, and the statements contained therein are true.

Signature of Notary Public or Commissioner of Deeds

Affix official seal in the box below



**SPECIAL TAX NOTICE
REGARDING PLAN PAYMENTS
FOR THE TAX DEFERRED ANNUITY PROGRAM**

This notice contains important information you will need before you decide how to receive your benefits from the Board of Education Retirement System.

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1. SUMMARY

A payment from the Plan that is eligible for “rollover” can be taken in three ways. You can have all or any taxable portion of your payment either (1) Paid in a “DIRECT ROLLOVER” or (2) Paid in a “DIRECT TRANSFER” or (3) Paid in a “DIRECT WITHDRAWAL.” A rollover is a payment of your plan benefits to your individual retirement arrangement (IRA) or to another qualified plan. This choice will affect the tax you owe.

IF YOU CHOOSE A DIRECT ROLLOVER

- Your payment will not be taxed in the current year and no income tax will be withheld.
- Your payment will be made directly to your IRA.
- Your payment will be taxed later when you take it out of the IRA.
- Once the direct rollover has been made, you will be subject to those terms, conditions and restrictions, including but not limited to any associated charges and costs.

IF YOU CHOOSE A DIRECT TRANSFER

- May only be made to another IRS Qualified Section 403(b) program that restricts actual withdrawals on the same (or a more restrictive) basis as under your present TDA program.
- Your payment will not be taxed in the current year and no income tax will be withheld.
- Your transfer will be made directly to the custodian of an eligible Section 403(b) Plan.
- Once the direct transfer has been made, you will be subject to those terms, conditions and restrictions, including but not limited to any associated charges and costs.

IF YOU CHOOSE TO HAVE A DIRECT WITHDRAWAL

- You will receive only 80% of the payment because the Plan administrator is required to withhold 20% of the payment for Federal taxes and send it to the IRS as income tax withholding to be credited against your taxes.
- Your payment will be taxed in the current year, unless you roll it over. However, if you receive the payment before age 59½, you also may have to pay an additional 10% tax.
- You can roll over the payment by paying it to your IRA or to another qualified plan that accepts your rollover within 60 days of receiving the payment. The amount rolled over will not be taxed until you take it out of the IRA or qualified plan.
- If you want to roll over 100% of the payment to an IRA or qualified plan, **you must find other money to replace the 20% that was withheld.** If you roll over only the 80% that you received, you will be taxed on the 20% that was withheld and that is not rolled over.

2. DIRECT ROLLOVER

You can choose a direct rollover of all or any portion of your payment. In a direct rollover, your payment is paid directly from the Plan to an IRA. If you choose a direct rollover, you are not taxed on the payment until you take it out of the IRA.

DIRECT ROLLOVER TO AN IRA: You can open an IRA to receive the direct rollover. (The term "IRA" as used in this notice, includes individual retirement accounts and individual retirement annuities). If you choose to have your payment made directly to an IRA, contact an IRA sponsor (usually a financial institution) to find out how to have your payment made in a direct rollover to an IRA at that institution. If you are unsure of how to invest your money, you can temporarily establish an IRA to receive the payment. However, in choosing an IRA, you may wish to consider whether the IRA you choose will allow you to move all or a part of your payment to another IRA at a later date, without penalties or other limitations. See IRS publication 590, Individual Retirement Arrangements, for more information on IRAs (including limits on how often you can roll over between IRAs).

3. DIRECT TRANSFER

You may choose a direct transfer of all or any portion of your payment. In a direct transfer, your payment is paid directly from the plan to the custodian of an eligible Section 403(b) Plan. If you choose a direct transfer, you are not taxed on the payment.

DIRECT TRANSFER: You may be able to transfer all or any portion of the funds from the TDA program to an eligible IRS-Qualified Section 403(b) Plan. If you have any questions as to whether the program satisfies the applicable IRS regulations, you are encouraged to consult a tax advisor.

You should familiarize yourself with all of the terms, conditions and restrictions which apply to your new tax-sheltered account and any transactions you may wish to perform with regard to that account. Once a direct transfer had been effected, you will be subject to those terms, conditions and restrictions, including but not limited to any associated charges and costs.

4. DIRECT WITHDRAWAL

If you have the payment made to you, it is subject to 20% income tax withholding. The payment is taxed in the year you receive it unless, within 60 days, you roll it over to an IRA or another qualified plan that accepts rollovers. If you do not roll it over, special tax rules may apply.

INCOME TAX WITHHOLDING

MANDATORY WITHHOLDING: The Plan is required by law to withhold 20% of your payment which will be sent to the IRS as income tax withholdings. For example, if your payment is \$10,000, only \$8,000 will be paid to you because the Plan must withhold \$2,000 as income tax. However, when you prepare your income tax return for the year, you will report the full \$10,000 as payment from the plan. You will report the \$2,000 as tax withheld, and it will be credited against any income tax you owe for the year.

SIXTY-DAY ROLLOVER OPTION: If you have your payment paid to you, you can still decide to rollover all or part of it to an IRA or another qualified plan that accepts rollovers. If you decide to rollover, **you must make the rollover**

within 60 days after you receive the payment. The portion of your payment that is rolled over will not be taxed until you take it out of the IRA or the qualified plan.

You can rollover up to 100% of your payment, including an amount equal to the 20% that was withheld. If you choose to rollover 100%, you must find other money within the 60 day period to contribute to the IRA or the qualified plan to replace the 20% that was withheld. On the other hand, if you rollover only 80% that you received, you will be taxed on the 20% that was withheld:

EXAMPLE: Your payment is \$10,000, and you choose to have it paid to you. You will receive \$8,000, and \$2,000 will be sent to the IRS as income tax withholding. Within 60 days after receiving the \$8,000, you may roll over the entire \$10,000 to an IRA or qualified plan. To do this, you roll over the \$8,000 you received from the Plan, and you will have to find \$2,000 from other sources (your savings, a loan, etc.). In this case, the entire \$10,000, is not taxed until you take it out of the IRA or qualified plan. If you roll over the entire \$10,000, when you file your income tax return you **may** get a refund of the \$2,000 withheld.

If, on the other hand, you roll over only \$8,000, the \$2,000 you did not roll over is taxed in the year it was withheld. When you file your income tax return, you may get a refund of part of the \$2,000 withheld. (However, any refund is likely to be larger if you rollover the entire \$10,000.)

ADDITIONAL 10% TAX IF YOU ARE UNDER AGE 59½. If you receive a payment before you reach 59½ and you do not roll it over, then, in addition to the regular income tax, you may have to pay an extra tax equal to 10% of the taxable portion of the payment. The additional 10% tax does not apply to your payment if it is (1) paid to you because you separate from service with your employer during or after the year you reach 55, (2) paid because you retire due to disability, (3) payment of post-secondary school tuition for the employee or the employee's spouse, dependents and non-dependent children, (4) payment to prevent the eviction of the employee, employee's parents or children from a principal residence, or to prevent foreclosure on the mortgage of a principal residence, (5) for the purchase of a principal residence for the employee, and (6) payment of funeral and related expenses for the employee's spouse, dependents and non-dependents children. See IRS Form 5329 for more information on the additional 10% tax.

5. RETIREMENTS

When you retire with a service retirement, you have several choices for your TDA account:

1. You may withdraw all or part of the balance of your TDA account; OR
2. You may receive an additional annuity (in a check separate from your Qualified Pension Plan Allowance) payable in fixed dollars or variable units. In general, the same options available for your Qualified Pension Plan Allowance are also available for your TDA account. A TDA annuity is subject to Federal income tax, but may be exempt from New York State and New York City income taxes; OR
3. You may also elect to further defer receipt of your TDA funds. This option allows you to later withdraw all or part of your balance, and it also allows you to annuitize the balance as discussed in the following section of this booklet entitled "Deferrals".

6. DEFERRALS

Upon retiring or resigning with a vested right to receive a deferred retirement allowance, you may defer receiving distribution of your TDA accounts subject to certain restrictions. The necessary form to effect a deferral will be available to you at your time of retirement. Please note, that retired members with TDA deferred status are considered active participants with respect to the TDA program.

If you elect to defer your TDA accounts, you may withdraw all or part of your TDA funds by filling an "Application for Tax-Deferred Annuity Withdrawal". You may also choose to begin receiving annuity payments based on the value of your TDA fund at any time prior to reaching the age limits described in the "Required Distributions" section.

In the event a participant dies while in deferred status, the full value of that participant's TDA accounts will be paid to the designated beneficiary or beneficiaries. If there are no designated beneficiaries on file with BERS, payment will be made to the participant's estate.

7. RESIGNATIONS

Participants are always 100% vested in the full value of their TDA accounts. This means that participants or their beneficiaries (in the event of a participant's death) are always entitled to that full value.

If you resign before attaining vested rights to benefits provided under the Qualified Pension Plan, you may withdraw the full value of your TDA accounts. Your distribution will be valued on the unit value for the month following the date BERS receives your written request for such a withdrawal. You may also choose to allow your accounts to remain under the TDA Program for a period of up to five years after you resign. If you do not make a withdrawal by the end of that five-year period, your variable account units will be converted to Fixed Annuity dollars at the value of the month of transfer, and no further interest will accrue to your account.

If you resign from active service before attaining vested rights to benefits provided under the Qualified Pension Plan and withdraw your accounts from the Qualified Pension Plan at any time after resignation, your participation in the TDA Program will automatically terminate and the value of your TDA accounts will be refunded to you.

If you resign with vested rights under the Qualified Pension Plan, your TDA accounts may remain under the TDA Program beyond the five-year period. In fact, you may elect to defer receiving distribution of your TDA account as described in the "deferrals" section. You may, however, withdraw the value of your TDA accounts after your resignation without adversely affecting your right to vested retirement benefits from the Qualified Pension Plan.

8. REQUIRED DISTRIBUTIONS

There are different rules for TDA contributions and earnings accumulated as of December 31, 1986 ("Pre-1987 Funds") and for TDA contributions and earnings accumulated after December 31, 1986 ("Post-1986 Funds") for BERS members. As a retiree, you may defer distributions of Pre-1987 Funds until as late as the date you reach age 75. However, you may only defer distribution of your Post-1986 Funds until as late as April 1 following the year in which you reach age 72.

The distribution method you elect is also an important factor. As a retiree, if you choose to annuitize, you must elect to annuitize your total TDA balance (i.e., both Pre-1987 Funds and Post-1986 Funds) as of the date you reach age 72.

However, if you elect to receive your Post-1986 Funds as a lump sum, you may continue to defer distribution of your Pre-1987 Funds until as late as the date you reach age 75. At that time, you may elect to receive your Pre-1987 Funds as either an annuity or a lump sum.

In addition, active members over the age of 72 may defer receiving their TDA payments until age 75. However, members who retire between the ages of 72 and 75 must begin receiving distribution of their Post-1986 Funds no later than April 1 following the year in which they retire.

9. SURVIVING SPOUSES, ALTERNATE PAYEES AND OTHER BENEFICIARIES

In general, the rules summarized above that apply to payments to employees also apply to payments to surviving spouses of employees and to spouses or former spouses who are "alternate payees". You are an alternate payee if your interest in the Plan results from a "qualified domestic relations order", which is an order issued by a court, usually in connection with a divorce or legal separation. Some of the rules summarized above also apply to a deceased employee's beneficiary who is not a spouse. However, there are some exceptions for payments to surviving spouses, alternate payees, and other beneficiaries that should be mentioned.

If you are a surviving spouse, you may choose to have an eligible rollover distribution paid in a direct rollover to an IRA or another qualified plan. If you have the payment paid to you, you can keep it or roll it over yourself to an IRA or another qualified plan. If you are an alternate payee, you have the same choices as the employee. Thus, you can have the payment as a direct rollover, direct transfer, or paid to you. If you have it paid to you, you can keep or roll it over yourself to an IRA or to another qualified plan that accepts rollovers.

If you are a surviving spouse, an alternate payee, or another beneficiary, your payment is not subject to the additional 10% tax described in section 4 above, even if you are younger than age 59½.

10. HOW TO OBTAIN ADDITIONAL INFORMATION

This notice summarizes only the federal (not state or local) tax rules that might apply to your payment. The rules described above are complex and contain many conditions and exceptions that are not included in this notice. Therefore, you may want to consult with a professional tax advisor before you take a payment of your benefits from the Plan. Also, you can find more specific information on tax treatment of payments from qualified retirement plans in the IRS Publication 575, Pension and Annuity Income, and IRS Publication 590, Individual Retirements. These publications are available from your local IRS office or by calling 1-800-TAX-FORMS.

11. DEFINITION OF HARDSHIP EXPENSES

Please be advised that the Internal Revenue Service of the United States has issued guidelines for hardship withdrawals of accumulations from your 403(b) Tax Deferred Annuity Program account. To make a hardship withdrawal from your BERS TDA account, the following conditions must be met:

- (1) The participant has an immediate and heavy financial need.
- (2) Other resources are not available to meet the need.

The definition of hardship expenses includes:

- Payments of un-reimbursed medical expenses.
- Payments of post-secondary school tuition for the employee or the employee's spouse, dependents and non-dependent children.
- Payments to prevent the eviction of the employee, employee's parents or children from a principal residence, or to prevent foreclosure on the mortgage of a principal residence.
- Expenses associated with the purchase of a principal residence for the participant.
- Payments of funeral and related expenses for the employee's spouse, dependents, and non-dependent children.
- Expenses for the repair of damage to your principal residence that would qualify for the casualty loss deduction allowed by Section 165 of the Internal Revenue Code, excluding damage from progressive deterioration (described in IRS Publication 547).
- Expenses or losses related to a federally declared FEMA Disaster Area.

Proof must be submitted to substantiate your withdrawal. The amount of the distribution cannot exceed the amount of your immediate need, but may include an additional amount to satisfy the 20% federal tax which must be withheld and the 10% penalty for early withdrawal which may also apply.

TDA contributions made prior to 1/1/89 may be withdrawn without claiming hardship.

SPECIAL TAX NOTICE FOR TDA PLAN PAYMENTS

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