

John E. and Jo A. Miller



May 7, 2012

Department of the Treasury
Internal Revenue Service
Kansas City, MO 64999

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

To Whom It May Concern:

We are enclosing Form 1040X, Amended US Individual Tax Return for 2007 and is being submitted under the provisions of Public Law No. 112-95, Section 1106, "FAA Modernization and Reform Act of 2012."

Under Sec. 1106, (a) (3) this is not a "barred" return and can be submitted.

(3) EXTENSION OF TIME TO FILE CLAIM FOR REFUND.—A qualified airline employee who excludes an amount from gross income in a prior taxable year under paragraph (1) or (2) may reflect such exclusion in a claim for refund filed within the period of limitation under section 6511(a) of such Code (or, if later, April 15, 2013).

If you have any questions regarding this matter, please feel free to contact us.

Sincerely,

John E. Miller

Jo A. Miller

John E. and Jo A. Miller

SUPPORTING DOCUMENTS FOR PART III Explanation of changes

On February 14, 2012, President Obama signed into law the *FAA Modernization and Reform Act of 2012*, Public Law No. 112-95 ("new Act"). Section 1106 of the new Act contains a provision that expands upon the rollover opportunities previously afforded under Section 125 of the *Worker, Retiree, and Employer Recovery Act of 2008*, Public Law No. 110-458 ("WRERA"). Under WRERA, eligible current and former airline employees were permitted to transfer to a Roth IRA up to 100% of certain payments they received in connection with their airline's bankruptcy. Whether or not they took advantage of the Roth IRA rollover opportunity provided by WRERA, Section 1106 of the new Act allows eligible current and former airline employees, and their surviving spouses, to transfer to a traditional IRA up to 90% of such bankruptcy-related payments and claim a refund of the federal taxes they paid on such funds. In addition, the new Act allows individuals who did take advantage of the Roth IRA rollover opportunity under WRERA to transfer those Roth IRA funds to a traditional IRA and claim a refund of the federal taxes they paid on such transferred funds, subject to the 90% limit. Deadline for the this transfer is August 13, 2012, and the deadline for filing an amended federal tax return is April 15, 2013.

I am invoking the provision of Section 1106, Public Law No. 112-95.

The following facts provide for this application of Section 1106, Public Law No. 112-95 to reduce tax liability.

1. Delta Air lines issued a Form 8935 to John E. Miller accounting for the Year 2007 to the amount [REDACTED]. (Attachment 1)
2. A [REDACTED] Roth Individual Retirement Account was funded on 6 June 2009 for the amount of [REDACTED] as per the *Worker, Retiree, and Employer Recovery Act of 2008*, Public Law No. 110-458 ("WRERA") Section 125. (Attachment 2)
3. On 27 March 2012 a "trustee-to-trustee" transfer of securities from John E. Miller's [REDACTED] Roth IRA was made to John E. Miller's Traditional IRA through an IRA Recharacterization Letter of Authorization (LOA). This was valued in the amount of [REDACTED]. (Attachment 3)
4. On 30 March 2012 a "trustee-to-trustee" transfer from cash balances of John E. Miller's Roth IRA was made to John E. Miller's Traditional IRA through an IRA Recharacterization Letter of Authorization (LOA). This transaction was for [REDACTED]. (Attachment 4)

5. The combined "trustee-to trustee" transfer from a Roth IRA to a Traditional IRA amounts to [REDACTED] which represents 90% of the amount indicated on the Form 8935 which had been funded into a Roth Individual Retirement Account. This is the amount we are claiming should be deducted from the adjusted gross income of our 2007 1040 Income Tax Return.

Under the new Act, I may transfer to a traditional IRA some or all of the amounts I previously rolled over to a Roth IRA under WRERA, subject to the 90% rule. This transfer was a "trustee-to-trustee" transfer as provided for in the *FAA Modernization and Reform Act of 2012*, Public Law No. 112-95, Section 1106. This permits the amounts transferred from the Roth IRA to the traditional IRA to be treated as if they were originally contributed to a traditional IRA. The transfer to the traditional IRA is deemed to have been made at the time of the rollover to the Roth IRA. The amount I may transfer from the Roth IRA to a traditional IRA is limited to 90% of the total airline payment amount reported on the IRS Form 8935.

6. Attachment 5, Copy of **Sec 1106. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY**