

Investigations & Enforcement

DOL Continues Emphasis on Enforcement in 2021

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The Employee Benefits Security Administration (“EBSA”) issued its [enforcement fact sheet](#) showing that EBSA recovered \$1.9 billion from its investigations during the fiscal year ended September 30th, 2021, underscoring that that enforcement remains an important priority for the agency. This is the third consecutive year that EBSA’s recoveries from investigations totaled almost \$2 billion and that total recoveries totaled almost \$2.5 billion.

EBSA reported that 69% of civil investigations closed in FY 2021 resulted in monetary results for plans or other corrective actions.

Consistent with our experience, the lion’s share of the amount recovered in enforcement actions was from EBSA’s Terminated Vested Participant Project (“TVPP”), which encompasses EBSA’s missing participant initiative. EBSA reported that the TVPP resulted in a recovery of over \$1.5 billion. These results suggest that EBSA’s focus on missing participants will not be going away any time soon, and EBSA’s emphasis on the missing participant issue creates a strong incentive for fiduciaries and plan sponsors to ensure they have processes and procedures in place. Groom has written extensively on how plan sponsors can ensure they can manage [these](#) and [similar issues](#).

In totality, these statistics reported in the DOL factsheet reflect a continued emphasis on enforcement. EBSA’s oversight authority includes plans that cover around 158 million workers and more than \$12.9 trillion in assets, so their continued focus in this area will be hugely consequential for the plan sponsor community.

Groom remains committed to helping plan fiduciaries, sponsors, and service providers defend against EBSA enforcement actions.