

# LEGAL UPDATE



## DOL Releases Audit Results of ERISA Enforcement During 2023

The U.S. Department of Labor (DOL) has released the results of its Employee Benefits Security Administration's (EBSA) [enforcement actions](#) during fiscal year (FY) 2023.

Through its enforcement of the Employee Retirement Income Security Act (ERISA), the EBSA oversees approximately **2.8 million health plans, 765,000 private pension plans, and 619,000 other welfare benefit plans**. According to the audit, these plans cover 153 million workers, retirees and dependents.

### Enforcement Statistics

In FY 2023, EBSA recovered over 1.4 billion dollars for plans, participants and beneficiaries. Other key EBSA enforcement results include the following:

- EBSA closed 731 civil investigations. Of these, 69% resulted in monetary results for plans or other corrective actions;
- EBSA referred 50 cases for civil litigation and closed 196 criminal investigations; and
- EBSA's criminal investigations led to the indictment of 60 individuals—including plan officials, corporate officers and service providers—for offenses related to employee benefit plans.

### Compliance Assistance Statistics

The DOL audit fact sheet also includes statistics for the EBSA's compliance assistance programs, the Voluntary Fiduciary Correction Program (VFPC) and the Delinquent Filer Voluntary Compliance Program (DFVCP).

The VFPC allows plan officials who have identified specified ERISA violations to take corrective action to remedy the breaches and voluntarily report the violations to EBSA without becoming the subject of an enforcement action. In FY 2023, EBSA received 1,192 applications through the VFPC.

The DFVCP encourages plan administrators to bring their plans into compliance with ERISA's filing requirements. EBSA received 18,955 annual reports through this program in FY 2023, and the EFAST2 Help Desk handled over 16,000 inquiries to help filers meet their reporting obligations.

### Enforcement Resources

The EBSA has a dedicated [enforcement webpage](#), which includes outlines of ERISA civil violations and criminal provisions, as well as enforcement accomplishments and national enforcement priorities and projects. There is also an [agency enforcement results archive](#) for prior fiscal years.

## ERISA Enforcement

- The DOL has broad authority to investigate or audit an employee benefit plan's compliance with ERISA.
- The DOL's EBSA division handles audits of employee benefit plans.
- To perform these audits, EBSA employs investigators working out of field offices, many of whom are lawyers or CPAs or who have advanced degrees in business or finance.