

# Snell & Wilmer

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## Matthew P. Chiarello

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### Main Bio

Matthew Chiarello focuses his practice on employee benefits, including compliance with the requirements of the Employee Retirement Income Security Act (ERISA) and the Internal Revenue Code. To that end, Matthew regularly assists employers in the design, administration, and documentation of qualified and non-qualified retirement plans, health and welfare plans, and executive compensation programs.

Matthew's experience is varied and dynamic in order to keep pace with the ever-evolving landscape of employee benefits law. In particular, Matthew has navigated investigations of both retirement and medical plans by the Department of Labor and corrected qualified plan failures with the Internal Revenue Service. He also helps resolve benefits integration and other issues arising in the context of complex corporate transactions. Likewise, Matthew analyzes executive compensation arrangements and employment agreements with a focus on compliance with Section 409A of the Internal Revenue Code.

He has also helped clients identify and correct failures to comply with federal COBRA (and Arizona mini-COBRA), including filing Form 8928 with the Internal Revenue Service. Matthew has worked with employers to structure student loan relief and educational assistance programs. He also has experience analyzing eligibility for Employee Retention Credits.

Matthew helps employers meet the requirements of the Affordable Care Act (ACA) and other federal laws applicable to health and welfare plans. Of note, Matthew has helped employers comply with the reporting requirements of the ACA and has abated multi-million dollar large employer shared responsibility penalties assessed by the Internal Revenue Service via the Letter 226J and Notice 972CG.

Matthew is a contributor to Snell & Wilmer's [Benefits Blog](#), which offers analysis and commentary on employee benefits and executive compensation matters. In addition, Matthew pioneered a monthly short form Benefits Blurb that summarizes complex issues into a user friendly format. He is also an active member of the firm's Hiring and Community Involvement Committees.

### Education

- William & Mary Law School (J.D., *magna cum laude*)
  - Order of the Coif
  - Notes Editor, William & Mary Law Review
  - Alternative Dispute Resolution Team, President
  - Student Legal Services, Director

- University of Pennsylvania (B.A., Political Science and English, *summa cum laude*)
  - Study Abroad: King's College London
  - Philomathean Society of the University of Pennsylvania

## Professional Memberships & Activities

- Western Pension & Benefits Council
  - Past President (2022-2023)
  - President (2021-2022)
  - Board Member (2019-present)
  - Spring Conference Committee Chair (2018-present)
  - Spring Conference Committee Co-Chair (2017)
  - Spring Conference Committee Member (2016-present)
- Snell & Wilmer Summer Program
  - Lead Assigning Attorney (2020)
  - Assigning Attorney (2019)
  - Mentor (2015-2018)
- Snell & Wilmer Hiring Committee (2019-present)
- Snell & Wilmer Community Involvement Committee (2016-present)
- Annual Snell & Wilmer Volunteer Exposition
  - Coordinator (2016, 2017, 2023)
- State Bar of Arizona

## Representative Presentations & Publications

- "Employee Benefits Unveiled: Crucial Compliance Nuggets You Didn't Know You Needed," Co-Presenter, Snell & Wilmer CLE Webinar Series (June 4, 2024)
- "[A Primer on Affordable Care Act Compliance for Growing Businesses](#)," Author, American Bar Association, Business Law Today (April 26, 2024)
- "[IRS Program Allows Employers to Correct a Mistaken Tax Credit](#)," Quoted, Society of Human Resource Management (January 19, 2024)
- "Student Loan Benefits" Presenter, Snell & Wilmer Virtual CLE Series (June 13, 2023)
- "[Two Types of Student Loan Benefits Every Employer Should Know](#)," Episode Host, CalCurrent Podcast (April 13, 2023)
- "[Student Loan Mess Complicates 401\(k\) Plan for Young Savers](#)," Quoted, Bloomberg Law Daily Labor Report (April 3, 2023)
- "[Three Facts Every Employer Should Know When Considering Student Loan Repayment Benefits in Educational Assistance Programs](#)," Author, SW Benefits Blog (March 23, 2023)
- "[What's Old Is New Again: HHS Proposes to Reinstate and Expand Transgender Nondiscrimination Rules](#)," Author, SW Benefits Blog (September 2, 2022)
- "Cryptocurrency & Retirement Plans The (Contentious) State of the Field," Presenter, Snell & Wilmer Virtual CLE Series (June 23, 2022)

- "[A Running Start: IRS Pilots New Pre-Examination Program](#)," Author, SW Benefits Blog (June 22, 2022)
- "[To the Moon After All? DOL Targets Cryptocurrency in Retirement Plans](#)," Author, SW Benefits Blog (March 25, 2022)
- "[2021 End of Year Plan Sponsor "To Do" List \(Part 4\) Executive Compensation](#)," Co-Author, SW Benefits Update (December 17, 2021)
- "[2021 End of Year Plan Sponsor "To Do" List \(Part 3\) Qualified Retirement Plans](#)," Co-Author, SW Benefits Update (December 6, 2021)
- "[2021 End of Year Plan Sponsor "To Do" List \(Part 2\) Annual Cost of Living Adjustments](#)," Co-Author, SW Benefits Update (November 16, 2021)
- "[2021 End of Year Plan Sponsor "To Do" List \(Part 1\) Health and Welfare](#)," Co-Author, SW Benefits Update (November 8, 2021)
- "[Final Touches: IRS Clarifies Impact of COVID-19 Disaster Relief on COBRA Payment Deadlines](#)," Author, SW Benefits Blog (October 22, 2021)
- "[Better Late Than Never: IRS Issues Guidance Clarifying COBRA Premium Subsidy Rules](#)," Author, SW Benefits Blog (August 24, 2021)
- "[For the Long Haul: SCOTUS Ruling Means ACA Coverage and Reporting Rules Here to Stay](#)," Author, SW Benefits Blog (July 14, 2021)
- "The American Rescue Plan and COBRA – What You Need to Know," Presenter, Arizona Total Rewards Association (June 3, 2021)
- "Help is on the Way – Key Concepts of American Rescue Plan and COBRA," Presenter, Snell & Wilmer Virtual CLE Series (June 1, 2021)
- "[Ironing Out the Wrinkles – IRS Answers 86 Questions About COBRA Relief Under the American Rescue Plan Act](#)," Author, SW Benefits Update (May 25, 2021)
- "[To Err is Human, To Forgive is Up to the IRS](#)," Presenter, Western Pension & Benefits Council, Phoenix Chapter, 2021 Spring Conference (May 19, 2021)
- "[DOL Clarifies Key Provisions, Issues Model Notices for COBRA Relief Under ARPA](#)," Author, SW Benefits Update (April 8, 2021)
- "[SW Benefits Update: 2021 Consolidated Appropriations Act Compliance Checklist for Plan Sponsors](#)," Co-Author, SW Benefits Update (March 26, 2021)
- "Legal Updates: ACA Challenge Update and COVID Relief for Health and Welfare Plans," Presenter, Arizona Total Rewards Association (ATRA) (February 4, 2021)
- "[Finally, Some Good News: IRS Extends Certain ACA Reporting Deadlines and Transition Relief](#)," Author, SW Benefits Blog (October 8, 2020)
- "[Who CARES About the SECURE Act? A Summary of Retirement Plan Rules](#)," Speaker, Arizona Total Rewards Association ("ATRA") (August 20, 2020)
- "[ISS Publishes COVID-19 Case Study Focused on Executive Compensation Adjustments](#)," Co-Author, SW Benefits Update (July 27, 2020)
- "[IRS Issues Revised Guidance on Employee Retention Credits and Qualified Health Plan Expenses, Offering Relief for Employer the Furloughed Workers](#)," Author, SW Benefits Update (May 29, 2020)
- "ACA Penalties & Compliance Strategies," Speaker, Arizona Total Rewards Association (February 6, 2020)

- "[IRS Publishes 2019 Required Amendments List](#)," Co-Author, SW Benefits Blog (December 16, 2019)
- "[A Post-Thanksgiving Treat: IRS Extends Certain ACA Reporting Deadlines and Transition Relief](#)," Author, SW Benefits Blog (December 6, 2019)
- "[Form 5500 Penalty Relief Deadline Approaching for MEPS](#)," Author, SW Benefits Blog (September 30, 2019)
- "[The Ninth Circuit Reverses Itself and Enforces ERISA Mandatory Arbitration Clause](#)," Author, SW Benefits Blog (August 24, 2019)
- "[Reopening the Floodgates: IRS Announces Expanded Determination Letter Program](#)," Author, SW Benefits Blog (May 1, 2019)
- "[Taxation of Virtual Currency Transactions](#)," Co-Author, Snell & Wilmer Legal Alert (March 28, 2018)
- "Distribution Dilemmas: Loans, Hardships and QDROs," Speaker, CBIZ Seminar (October 26, 2017)
- "Settling the Long War: Alternative Dispute Resolution & the War on Terror," Author, William & Mary Law Review (2015)

## Professional Recognition & Awards

- The Best Lawyers in America<sup>®</sup>: Ones to Watch, Employee Benefits (ERISA) Law (2024)
- Southwest Super Lawyers<sup>®</sup>, Rising Stars Edition, Employee Benefits (2021-2024)

## Community Involvement

- Frank Lloyd Wright Foundation
  - Board of Governors (2023-Present)
  - Host Committee Member (2023)
- UMOM New Day Centers
  - Board Member (2018-Present)
- Homeless Legal Assistance Program (2015-Present)
  - Director (2017-present)
- Herberger Theater Center Young Leadership Board
  - Secretary (2017-2019)
- University of Pennsylvania
  - Alumni Interviewer (2013-Present)
- VITA Tax Clinic
  - Volunteer (2018-2022)

## Previous Professional Experience

- Snell & Wilmer, Summer Associate (2014)
- Pima County Attorney's Office, Law Clerk (2013)
- William & Mary Law School, Research Assistant (2013-2015)
- University of Pennsylvania, Research Assistant (2010-2012)

## Bar Admissions

- Arizona

## **Court Admissions**

- Supreme Court of Arizona
- United States District Court, District of Arizona

## **Client News**

- Snell & Wilmer Represents Software Development Company Flywheel Software in Growth Equity Investment from The Jordan Company, L.P.