NAME: **SS#:**

Warehouse Employees Union Local No. 730 Pension Trust Fund

EMPLOYER:	Giant Food Warehouse	**LOCAL:**	730
PLAN:	E	**STATUS:**	Retired, September 1, 2010 **Deceased, November 24, 2012**

ISSUE: Pension Benefit for Surviving Spouse #P13/150-2961

FUND RULE:
"Forms of Payment
Aside from the types of retirement benefits, the Fund offers four basic benefit forms of payment:

1. Normal Benefit Option;
2. Single Life Option;
3. Five- or Ten-Year Certain Options; and
4. 50%, 66⅔%, or 75% Joint and Survivor Annuity Options (only available to married participants).

You may elect the form in which you will receive your benefits, but you may **not** change the form of benefits once your benefits commence. Benefit option elections may not be changed after retirement, even if a retiree returns to work…

Under both the Normal Benefit Option and the Single Life Option, payments are made for your lifetime; <u>there are no survivor benefits</u>. The Five- or Ten-Year Certain and Joint and Survivor Annuity Options provide for monthly payments to a Beneficiary after your death.

Please note that when benefits are paid "for your lifetime," this means that <u>payments stop upon your death</u>; the last payment you are entitled to is the monthly payment due immediately before your death."
(Warehouse Employees Union Local No. 730 Pension Trust Fund SPD, Page 18)

SUMMARY: Appeal Received: October 25, 2013

The **participant's spouse** is appealing to be allowed a surviving spouse Pension benefit. The participant's spouse states, "When we signed the [Pension application] papers, we were under the impression that we were signing to make me beneficiary…". The participant's spouse further states that she "can't believe that after [the participant] worked for Giant for [24] years… [she] is not entitled to get anything from his retirement."

Fund records indicate the participant submitted a Pension application on August 12, 2010. The participant's application was processed and an "Option Election Form" was mailed to him on August 26, 2010. The participant returned a completed Option Election Form on September 9, 2010, electing a "Normal Benefit Option" Pension. <u>That form was signed by his spouse and notarized on September 7, 2010, acknowledging, "I understand that my spouse has chosen a form of payment that does not guarantee me a lifetime survivor benefit after his death, and I consent to that election</u>." The participant retired effective September 1, 2010 and payments from the Warehouse Employees Union Local No. 730 Pension Trust Fund commenced at that time. The participant's spouse notified the Fund office on November 27, 2012 that the participant passed away on November 24, 2012. The participant's spouse was advised at that time, that payments from the Pension Trust Fund would cease. The participant's spouse called the Fund office again, one year later, on October 23, 2013, inquiring about a surviving spouse Pension benefit. The participant's spouse was reminded that there was no further Pension benefit due.

ACTION: **Approved** ☐ **Denied** ☐ **Tabled** ☐
COMMENTS: