

NAME:

SS#:

Industry and Local 338 Pension Fund

LOCAL: 338
STATUS: Terminated, September 30, 2009

ISSUE: Disability Pension Benefit #P19/127-2642

FUND RULE:

"Description of Each Change and Examples of How the Amendment Affects Benefits
[...]"

C. Disability Pension

The Plan will not provide a Disability Pension to any individual who did not meet the eligibility requirements for a Disability Pension on or before December 31, 2017. However, in the event that a Participant satisfied all of the requirements for a Disability Pension prior to January 1, 2018 but did not apply for a Disability Pension until on or after January 1, 2018, such Participant shall be eligible for a Disability Pension, subject to satisfying all applicable requirements.

Before the Amendment

The Plan currently offers a Disability Pension if a participant has earned 10 years of Pension Credits and is found to be totally and permanently disabled by injury or disease so as to be wholly and permanently prevented from engaging in his/her regular employment.

After the Amendment

The Plan will not offer any Disability Pensions on or after January 1, 2018 unless the Participant satisfied all of the requirements for a Disability Pension (other than the requirement to file an application) prior to January 1, 2018. (This will not affect anyone whose Disability Pension commenced prior to January 1, 2018)."

(Industry and Local 338 Pension Fund Summary of Material Modifications, March 2019)

SUMMARY: Denial Issued: November 7, 2019
Appeal Received: November 18, 2019

The **participant** is appealing to be allowed a Disability Pension benefit. The participant states that he was never informed that a Disability Pension benefit was eliminated under the Plan. The participant further states that he became disabled in June 2018 and was granted Social Security Disability in December 2018. The participant states that he will never be able to work again with the progression of his disability. Lastly, the participant states that he needs this Pension benefit "to try to slow [his] disease" and if he has to wait until age 65 for a Vested Statutory Pension benefit, he "most likely won't be here to even collect."

Fund records indicate the participant called the Fund office on October 29, 2019 and requested a "Disability" Pension application. Note: The Fund does not have a specific application for a Disability Pension benefit. A Pension application was mailed to the participant on October 29, 2019. The participant returned a completed Pension application on November 5, 2019, wherein he completed a section pertaining to a Disability Pension benefit. The participant also included a copy of a letter from the Social Security Administration indicating he is entitled to, and receives, a monthly disability benefit.

The Fund was amended effective November 9, 2017 in which a Disability Pension benefit will no longer be offered on or after January 1, 2018. The participant did not satisfy the requirements for a Disability Pension prior to January 1, 2018. The Rehabilitation Plan Notice, noting the elimination of the Disability Pension benefit, was mailed to the member on September 28, 2017.

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After a review of the file, it was noted that the participant accrued a total of 12.25 years of Benefit Service and 12 years of Vesting Service during his employment with an Industry and Local 338 Pension Fund participating employer (encompassing the period from 1997 through 2009). A letter was mailed to the participant on November 7, 2019 advising that he is not eligible for an Early Pension benefit because he did not accrue at least 15 Pension Credits. That letter further advised the participant that he will be eligible for a Vested Statutory Pension benefit upon turning age 65. The participant is currently age 54.

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

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NOV. 13, 2019

Board of Trustees - Appeal board,

I recently sent an application for disability pension benefits from local 338.

I was denied my pension (disability) benefits because this clause was removed in 2017 allowing the disability benefits to no longer be available. I was never informed on this and since I became disabled in ~~June~~ 2018 and was granted Social Sec. disability in Dec. 2018. I can no longer work and with the progression of my disability, I will never be able to work.

My medications alone are \$700 for one and \$400 for another per month w/o insurance. I will lose my health benefits as of Dec. 31, 2019 and will not get insurance until Dec. 2020. I need this pension benefit to try to slow my

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disease (my health will only
get worse in time) and
if I have to wait until
I am 65 yrs. of age I most
likely won't be here to even
collect. To me this is unjust.

Please reconsider this
for my case. Anything
you can do will be well
appreciated. I depend on
this to survive.

Thank you,

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