

NAME:

SS#:

Industry and Local 338 Pension Fund

LOCAL: 338

STATUS: Deceased, February 18, 2020

ISSUE: Pension Benefit Overpayment

#P20/102-5436

FUND RULE:

"Section 7.12 - Recovery of Overpayments

If for any reason benefit payments are made to any person from the Plan in excess of the amount which is due and payable under this Plan, the Trustees shall have full authority, in their sole and absolute discretion, to recover the amount of any overpayment (plus interest at the Applicable Interest Rate as defined in Section 6.15). That authority shall include, but shall not be limited to, (i) the right to reduce benefits payable in the future to the person who received the overpayment, (ii) the right to reduce benefits payable to a surviving Spouse or other beneficiary who is, or may become, entitled to receive payments under the Plan following the death of that person, and/or (iii) the right to initiate a lawsuit or take such other legal action as may be necessary to recover any overpayment (plus interest and costs)."

(Industry and Local 338 Pension Fund Plan Document, Section 7.12)

SUMMARY: Appeal Received: April 28, 2020

The **deceased participant's niece** is appealing the Fund's request for reimbursement of a pension benefit overpayment.

Fund records indicate the Fund office learned on April 10, 2020 that the participant passed away on February 18, 2020. After a review of his file, it was determined that no survivor's pension benefits are due. A letter was mailed to the participant's Estate on April 22, 2020 requesting reimbursement of the pension benefits issued on March 1, 2020 and April 1, 2020. The participant's niece's appeal was received on April 28, 2020.

The participant's niece states in summary that she was his caregiver and designated next of kin. The participant's niece further states that she and the participant were the victims of a total loss house fire on February 18, 2020, which resulted in the participant's death. The participant's niece states that the cost of his funeral was \$8,301, which she was responsible for paying, and she is still dealing with the responsibility of rectifying his remaining debts and gaining some sense of normalcy after losing everything. The participant's niece is asking that the Fund forgive the overpayment of pension benefits for March and April 2020 in light of these circumstances.

ACTION: Approved ☐

Denied ☐

Tabled ☐

COMMENTS: