

NAME:

SS#:

UFCW & FELRA Severance Plan

EMPLOYER: Giant

LOCAL: 400

DATE OF HIRE: November 20, 1985

STATUS: **Terminated, May 5, 2012**
Rehired, December 29, 2016

ISSUE: Late (No) Application

#S18/104-8947

FUND RULE:

"Form of Payment"

If your Severance From Service Date occurs on or after September 28, 2008, you will receive your benefit no earlier than four months after your Severance From Service Date, and your benefit must be paid no later than the latest of:

- 1) The last day of the calendar year in which the four-month waiting period expires; or
- 2) The 15th day of the third calendar month following the expiration of the four-month waiting period."

(UFCW & FELRA Severance Plan SPD, April 2011, Page 25)

"How to File a Claim"

To ensure that you will receive your Payable Severance Benefit before the deadlines described in the Form of Payment Section on page 25, you should apply for your Payable Severance Benefit as soon as your Severance from Service Date occurs.

You must apply to receive your Payable Severance Benefit using the Fund's application form. The Fund will not distribute your Payable Severance Benefit to you if it has not received your application. If you do not timely submit an application for your Payable Severance Benefit, no benefit will be payable to you by the Fund. Further, your right to receive your Payable Severance Benefit under the Plan will be forfeited if the benefit is not paid by the deadline as described on Page 25."

(UFCW & FELRA Severance Plan SPD, April 2011, Page 27)

SUMMARY:

Last Day Worked:	May 5, 2012
Deadline for Collection of Severance:	December 31, 2012
Completed Severance Application Received:	None
Denial of Severance Letter Mailed:	May 17, 2018
Appeal Received:	June 13, 2018

The **participant** is appealing the denial of a Severance benefit. It was noted that a Severance benefit was denied because it was not paid by the deadline as required under the rules of the Fund. The participant states, "I received notification in a letter dated May 17, 2018 informing me that my request was denied because I did not apply for Severance within the period between September 5, 2012 and December 31, 2012. This isn't correct. I contacted the Pension Department on numerous occasions between January 2012 and May 2012. I spoke to multiple individuals and explained that I would be out of the country for four (4) years, all of whom advised me that my Severance would be frozen. I confirmed with each person that no further action was required on my part and was given the same answer each time; that my Severance was 'locked in.' I was assured that I'd be able to receive my Severance upon my return... It is unreasonable to believe that I'd forfeit any funds earned during the 27 years that I faithfully worked for Giant."

Fund records indicate a UFCW & FELRA Severance Plan SPD was previously mailed to the participant on May 27, 2003 and April 15, 2011. The participant's employment subsequently terminated on May 5, 2012. Five years later, the participant requested Severance and Pension benefit estimates on April 30, 2018. After a review of his file with Giant, it was verified that his employment terminated on May 5, 2012. The Fund office mailed a letter to the participant on May 17, 2018 advising that a Severance benefit was denied because a completed application was never received and a Severance benefit was not able to be paid within the guidelines of the Plan (by December 31, 2012 based on his termination date of May 5, 2012).

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Note: The Fund office can confirm receiving a telephone call from the participant on January 30, 2012 regarding pension benefits and "general application questions." However, no further details are available.

The participant will be eligible to collect a Deferred Vested Pension benefit payable at age 65. He is currently age 51.

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