

# 179 8075



Pension Benefit Guaranty Corporation  
1200 K Street, N.W., Washington, D.C. 20005-4026



MAY 27 2004

Re:  Plymouth Locomotive International, Inc.  
Pension Plan for Nonunion Employees; Case # 195630

Dear

The Appeals Board has reviewed your appeal of PBGC's February 18, 2004 determination that your client,  is entitled to a PBGC benefit of \$90.26 per month under the Plymouth Plan. PBGC's letter noted that this is the same amount  was receiving from the former Plan Administrator. According to your appeal, you agree with the \$90.26 benefit amount, which reflects the former Plan Administrator's recoupment of overpayments made to  before the Plan terminated. Your appeal asked that the recoupment reduction end when the full overpayment is collected. As explained below, we are granting this appeal.

The files available to the Appeals Board contain a series of letters to you or  from the former Plan Administrator and the Plan Actuary explaining (1) how they calculated his final early retirement benefit of \$139.06 per month, (2) why and how much he was overpaid, (3) that his monthly benefit would be permanently reduced to make up for the excess payments, (4) how they calculated the monthly reduction of \$48.80 and (5) that his final monthly benefit amount would be \$90.26 (\$139.06 minus \$48.80).

The Plymouth Plan terminated, effective May 29, 2001, without sufficient assets to provide all Plan benefits and PBGC became trustee. In response to your October 28, 2003 letter to PBGC, our Insurance Operations Department, the group responsible for determining and paying benefits, reviewed the Plan's calculations and explained their conclusion that the \$90.26 amount is correct in a letter dated December 4, 2003. On February 18, 2004, PBGC issued a formal determination of  PBGC benefit.

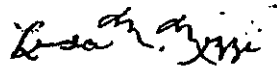
Decision

Based on the unique circumstances of this case, the Appeals Board decided that the \$48.80 per month reduction to  benefit should end when the total overpayment is recouped. At that time,  PBGC benefit will increase from \$90.26 to \$139.06 per month. This is the Agency's final decision on this matter.

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We will forward a copy of this letter to PBGC's Insurance Operations Department. They will calculate a recoupment end date using the Plan data and assumptions specified in the May 4, 2000 letter to [ ] from Kathlyn Pitassi, the Plan's enrolled actuary. If you or [ ] have questions, please call PBGC's Customer Contact Center at 1-800-400-7242.

Sincerely,



Linda M. Mizzi  
Member, Appeals Board