

48818776E-2A2B-405C-A



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

#1519461

OCT 15 2003

[Redacted]

RE: Appeal [Redacted] Trans World Airlines, Inc. Retirement
Plan for Employees - Noncontract Personnel (the Plan)

Dear [Redacted]

The Appeals Board reviewed your appeal of PBGC's December 12, 2001 determination that you did not qualify for a disability retirement benefit under the Plan. For the reasons stated below, the Board changed PBGC's determination by finding that you are entitled to a disability retirement benefit under the Plan.

As a result of the Board's finding, PBGC will determine your *estimated* benefit commencement date and your *estimated* disability retirement benefit amount in the near future. PBGC will then begin paying you the *estimated* benefit. Once PBGC finishes processing your pension plan, it will send you a determination of your *final* benefit commencement date and your *final* benefit amount. You will have 45 days to appeal that determination

PBGC's Determination and Your Appeal

PBGC's determination denied your request for a disability retirement benefit because there was no affirmation from your physician that your condition is permanently disabling from all jobs in the national economy.

Your January 20, 2002 appeal described your very serious and unusual medical problems. You stated that specialists had advised against surgery to remove the foreign object near your spine, but that leaving it in place posed grave risks and caused pain and severe functional limitations. You wrote that your physician described your permanent status as unknown because of the complex state of your physical condition, but neither he nor any other doctor could assure you that you would be free of permanent

1519461

paralysis or life-threatening infection.

With an October 23, 2002 supplemental appeal letter, you sent us medical reports, Benefit Reports you received for your long-term disability claim, and a copy of your Social Security Administration (SSA) Disability Award (SSADA), in which the SSA stated that your disability began on April 13, 2000. With your November 22, 2002 supplemental appeal letter, you sent us "MED 356" forms that were completed by your treating physician,

Discussion

The Appeals Board reviewed the Plan's provisions regarding disability retirements (**Enclosure**) as well as documents that you provided, including your SSADA, which may not have been available to PBGC when PBGC made its determination. The Board found that your physical impairments fall under the Plan's definition of "Disabled." Therefore, the Board found that you are entitled to a disability retirement benefit under the Plan.

Please note, however, that although the Appeals Board found that you have met the requirements for a disability retirement benefit under the Plan at this time, 29 Code of Federal Regulations § 4022.6(c) provides that:

"a participant may be required, upon the request of the PBGC, to submit to an examination or to submit proof of continued total and permanent disability. If the PBGC finds that a participant is no longer so disabled, it may suspend, modify, or discontinue the payment of the disability benefit."

Decision

Having applied PBGC regulations and provisions of the Plan to the facts of this case, the Appeals Board changed PBGC's determination by finding that you are entitled to a disability benefit under the Plan.

We will send a copy of this decision to PBGC's Insurance Operations Department, the group responsible for determining benefits and making benefit payments. They will contact you directly concerning the amount and starting date of your estimated disability retirement benefit.

We regret the delay in responding to your appeal letters, and

1519461

appreciate your patience while we completed our review. If you need more information about your retirement benefit, please call PBGC's Customer Contact Center at 1-800-400-7242.

Sincerely,



Michel Louis
Appeals Board Member

Enclosure