

Pension Benefit Guaranty Corporation

75-72

June 27, 1975

REFERENCE:

[*1] 4048 Date of Termination

OPINION:

This is in response to your letter of May 15, 1975 concerning the * * *

According, to the materials in this Corporation's files, * * * closed its * * * plant in June 1974. All employees except two ceased employment by June 30, 1974. The two exceptions were employed on the first three days in July. All benefit accruals except for these two employees also ceased by June 30, 1974. The collective bargaining agreement tied * * * contributions to hours worked and, except with * * * respect to the two employees mentioned above, no contributions were made for work performed after June 30, 1974. In view of the insubstantial accruals and contributions with respect to the period subsequent to June 30, 1974, this Corporation has determined that the * * * pension plan in substance terminated prior to July 1, 1974. Consequently, Section 4082(b) of the Employee Retirement Income Security Act of 1974 does not authorize this Corporation to guarantee benefits upon termination of the Plan under the Act.

Accordingly, unless there are additional facts bearing on this matter which you bring to our attention within 30 days from the date of this letter, we will close our [*2] file on this case.

Steven E. Schanes
Acting Executive Director