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

#1346681



JUN 30 2003

Re: Appeal [redacted]; Trans World Airlines, Inc. ("TWA")  
Retirement Plan for Employees - Mechanics and Related  
Employees, Dining Service Employees and Passenger  
Service Employees (the "IAM Plan")

Dear [redacted]

The Appeals Board reviewed your appeal of PBGC's January 18, 2002 letter denying your eligibility for a disability retirement benefit under the IAM Plan. For the reasons stated below, the Appeals Board decided to grant your appeal by finding that you were unable to perform the duties of your job classification and any other classification under the TWA/IAM agreement in which you held seniority, that you suffered from this disability before the IAM Plan terminated on January 1, 2001, and that your condition was likely to be permanent as of that date.

As a result of our finding, PBGC will determine your *estimated* benefit commencement date and your *estimated* monthly disability benefit. PBGC will begin paying you the *estimated* disability benefit amount in the near future. Once PBGC finishes processing the Plan, it will send you a new determination of your final PBGC monthly benefit amount and your final benefit commencement date. You will have 45 days to appeal that determination.

Determination and Appeal

You received a copy of an October 25, 2001 TWA memorandum which stated that you were not eligible for disability retirement because your physician said your condition was not permanent. The text of the memorandum gave a PBGC address to appeal "this Disability Retirement request."

On November 1, 2001, attorney [redacted] on your behalf, sent PBGC an "appeal of that determination," promising to supplement the appeal with medical evidence.

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PBGC sent you a letter on January 18, 2002, which denied your request for disability benefits and stated that:

"(you) do not qualify because the medical information available does not substantiate a permanent physical or mental impairment which is so severe that it prevents you from performing the duties of your classification or any other classification under the TWA/IAM agreement in which you hold seniority. Also, you must have met these qualifications on or before January 1, 2001."

The Appeals Board decided to accept  November 1, 2001 letter, together with the medical evidence that was later provided, as an appeal of PBGC's January 18, 2002 denial of disability benefits under the IAM Plan.

#### Discussion

The Appeals Board reviewed the IAM Plan's provisions regarding disability retirements (Enclosure 1) and reviewed documents that you provided and other documents available to the Board. The Board concluded that your TWA service record and the documents that describe your past and present abilities show that you met the IAM Plan's definition of disability before the IAM Plan's termination date and that your disability was "likely to be permanent" as of that date.

Please see Enclosure 2 for the Board's analysis of the IAM Plan's requirements and your personal record.

#### Decision

Having applied the Plan's provisions to the facts in this case, the Appeals Board granted your appeal by finding that your disabling condition falls within the IAM Plan's definition of a disability, that you suffered from this condition before the IAM Plan's termination date, and that your disability was "likely to be permanent" as of the IAM Plan's termination date.

We will send a copy of this decision to PBGC's Insurance Operations Department, the group responsible for determining benefits. They will contact you directly about the amount of your estimated disability retirement benefit and when payment will begin.

In the meantime, if you need more information about your pension, you may call PBGC's Customer Service Center at 1-800-400-7242.

# 1346681

Sincerely,

*Michel Louis*

Michel Louis  
Appeals Board Member

Enclosures (2)

cc:

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