

## Your right to appeal

You have the right to appeal PBGC's determination of your benefit ("benefit determination"). To file an appeal, you must provide a specific reason why the benefit determination is wrong. If you simply have a question about your benefit or how it was calculated, you should ask for an explanation instead of filing an appeal by calling PBGC's Customer Contact Center at 1-800-400-7242. (For TTY/TDD users, call the Federal Relay Service at 1-800-877-8339 and ask to be connected to 1-800-400-7242.) Remember, you have 45 calendar days from the date of the benefit determination letter to file an appeal. If you need more time to prepare your appeal before the 45-calendar-day limit expires, you may request an extension from PBGC's Appeals Board, as explained below.

## How to file an appeal

An appeal must be in writing. PBGC offers a convenient optional form you may use to file an appeal (Form 724 - Appeal of a PBGC Benefit Determination). Form 724 is available from PBGC's Customer Contact Center or at [www.pbgc.gov/documents/e724.pdf](http://www.pbgc.gov/documents/e724.pdf). You should answer all questions on the form, and sign and deliver it within 45 calendar days of the date of your benefit determination letter.

Submit your appeal to PBGC's Appeals Board. Your appeal must:

- Be in writing;
- Be clearly marked as an appeal;
- Specifically explain why PBGC's determination is wrong and state the result you are seeking;

- Describe the information you believe is relevant to your appeal. Include copies of documents that support your appeal and provide any additional information that the Appeals Board should consider; and
- Be postmarked by the U.S. Postal Service, faxed, emailed, or delivered directly to the Appeals Board no later than 45 calendar days after the date of PBGC's benefit determination letter.

## You may request additional time to file your appeal

If you need more time to file your appeal, you may ask the Appeals Board for an extension of the filing deadline. The appeal period will be suspended as of the date you file your request for an extension.

Your request for more time must be in writing. You should state why you need more time to file your appeal and how much more time you will need. You may use PBGC's Form 723 (Request for Additional Time to File an Appeal of a PBGC Benefit Determination). Form 723 is available from PBGC's Customer Contact Center or at [www.pbgc.gov/documents/e723.pdf](http://www.pbgc.gov/documents/e723.pdf). If you use Form 723, you should answer all questions and sign the form. This request must be postmarked by the U.S. Postal Service, faxed, emailed, or delivered to the Appeals Board no later than 45 calendar days after the date of PBGC's benefit determination letter.

The Appeals Board will grant an extension of time if you show a good reason why you need more time. If the Board denies the extension request, the 45-calendar-day appeal period will resume as of the date of the denial.

## Other information you should include

You should include the following information in your appeal or your request for an extension of the filing deadline. (If you are not the plan participant, you should provide his or her information.)

- Your name, address, and PBGC Customer ID Number or Social Security Number;
- The name of your pension plan;
- The PBGC case number assigned to your plan (this can be found at the top of your benefit determination letter);
- Your daytime telephone number (including area code); and
- A list of any information requests for which you are awaiting PBGC's response.

## Where to send appeals and requests for additional time to file an appeal

Send your appeal or request for additional time to file an appeal by mail to:

**Pension Benefit Guaranty Corporation**  
**ATTN: Appeals Board**  
**Post Office Box 151750**  
**Alexandria, VA 22315-1750**

You may also fax your appeal or request for a filing extension to the Appeals Board at 202-326-4095 or 202-326-4091, or send it by email to [appeals@pbgc.gov](mailto:appeals@pbgc.gov).

The Appeals Board will acknowledge your correspondence within one week of receipt. If you have questions about how to file an appeal or how to request a filing extension, or if you would like information about your appeal,

you may call the Appeals Board at 1-800-400-7242, extension 4090, or you may write to the Board at the above address or by email to [appeals@pbgc.gov](mailto:appeals@pbgc.gov).

## How to get copies of PBGC records

For information on how to request PBGC records under the Freedom of Information Act (FOIA), see PBGC's website at [www.pbgc.gov/about/pg/footer/foia.html](http://www.pbgc.gov/about/pg/footer/foia.html). PBGC is a participating agency in FOIAonline, which allows you to submit your request electronically.

## You do not need an attorney to represent you

You may act on your own behalf during the appeals process, or you may have someone else represent you. You do not need an attorney to file an appeal. If you select a representative and that person is not an attorney, you must send the Appeals Board a notarized power of attorney signed by you that specifically states the scope of the representative's authority to act for you. You may use PBGC's optional form to name a representative (Form 715 – Power of Attorney), available from PBGC's Customer Contact Center at 1-800-400-7242 or at [www.pbgc.gov/wr/transactions/power-attorney.html](http://www.pbgc.gov/wr/transactions/power-attorney.html).

## Information to support your appeal; hearings

The Appeals Board decides appeals based on PBGC records and the information you submit. Therefore, it is important that your written appeal include all the facts and documents you wish the Appeals Board to consider. The Board may ask you for

additional information. If you request a hearing or an opportunity to present witnesses, the Board will decide whether a hearing is needed to resolve your appeal. The Board's past experience indicates that appeals ordinarily can be decided based on written information.

### **You must appeal before you can go to court**

Review by the Appeals Board is the final step in PBGC's administrative review process. If you do not appeal PBGC's benefit determination to the Appeals Board, you may not be able to obtain review by a court of law.

### **When PBGC's benefit determination will become effective**

If you do not appeal PBGC's benefit determination, it will become effective when the 45-calendar-day appeal period ends. If you do appeal, the determination will not become effective until the Appeals Board issues its decision on your appeal.

The Appeals Board may uphold PBGC's benefit determination or change the determination, to include increasing or decreasing your benefit.

### **Reference**

For more information about the Appeals Board's purpose and procedures, including a link to PBGC's "Rules for Administrative Review of Agency Decisions" in Title 29, Code of Federal Regulations, Part 4003, go to [www.pbgc.gov/prac/appeals-board.html](http://www.pbgc.gov/prac/appeals-board.html).

### **Checklist**

- Have you included all information that applies to your appeal or request for an extension of time, including your name, address, PBGC Customer ID Number or Social Security Number, daytime telephone number, plan name, and PBGC case number?
- Does your correspondence clearly state that it is an appeal or request for an extension of time to appeal?
- Does your correspondence specifically explain why PBGC's benefit determination is wrong or why you are requesting an extension of time?
- Have you included all information and copies of documents that support your appeal or request for an extension of time?
- Have you included a notarized power of attorney or PBGC (optional) Form 715, if you are being represented by someone other than an attorney?
- Is your appeal or request for more time postmarked, faxed, emailed, or delivered to the Appeals Board no later than 45 calendar days after the date of PBGC's benefit determination letter?
- If you used an optional PBGC form, did you answer all of the questions and sign the form? If you did not use a PBGC form, did you sign your appeal or request for extension?



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