From:	seth morrow
To:	RegComments
Subject:	RIN 1212-AB47 — Comment on Improvements to Rules on Recoupment of Benefit Overpayments
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Pension Benefit Guaranty Corporation
Improvements to Rules on Recoupment of Benefit Overpayments
RIN 1212-AB47

Public comment:

I support the proposal's effort to make recoupment more understandable and predictable, including the flat 5 percent rate, the de minimis threshold, elimination of recoupment from a surviving beneficiary, and the general protection against new recoupment when PBGC later revises its own benefit determination.

I recommend strengthening proposed 29 CFR 4022.83(d), Notice of recoupment. As drafted, the required notice identifies the amount of the net overpayment and the amount of the reduced benefit. For a participant to understand and meaningfully check the debt, the notice should also disclose enough information to reproduce the calculation.

Suggested requirement:
Before recoupment begins, the notice should include, in plain language and to the extent applicable:

1. the period or payment transactions that generated the claimed overpayment;
2. the benefit amount PBGC determined was payable for that period and the amount actually paid;
3. the reason for the difference, including whether it resulted from plan information, participant-supplied information, a PBGC payment/calculation error, a QDRO, settlement, or another stated basis;
4. the arithmetic used to determine the net overpayment, including any underpayments that were netted against it;
5. the monthly recoupment amount and, when reasonably calculable, the expected duration of the reduction;
6. whether PBGC is applying an exception under proposed § 4022.84 that permits a rate above 5 percent or recovery rather than ordinary recoupment, and the factual basis for that exception; and
7. the available process and deadline for asking PBGC to review or correct a disputed amount or underlying benefit determination.

A participant should not have to infer the provenance of a debt from only two bottom-line numbers. A calculation-level notice would further the proposal's stated goals of clarity, predictability, and easier participant understanding, while also making straightforward errors easier to identify and correct before repeated deductions occur.

This recommendation does not change when PBGC may lawfully recoup an overpayment or the proposed 5 percent methodology. It only makes the recoupment notice sufficiently auditable for the person whose benefit will be reduced.

Thank you for considering this comment.

Seth Morrow