

# 1493422

1568787-438F-4C10-B



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



SEP 17 2003

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Re: Appeal [redacted]; [redacted]  
Trans World Airlines, Inc. ("TWA") Retirement Plan for  
Employees - Flight Attendants (the "IFFA Plan")

Dear [redacted]

The Appeals Board reviewed your appeal of PBGC's September 25, 2001 determination that [redacted], for whom you were legal guardian, does not qualify for a disability benefit under the IFFA Plan. As explained below, although the Appeals Board disagreed with PBGC's reason, we found no reason to change their conclusion that [redacted] is not entitled to a disability retirement benefit under the IFFA Plan. Therefore, the Appeals Board must deny your appeal.

PBGC determined that [redacted] did not qualify for a disability retirement benefit from the IFFA Plan because she was deemed disabled after January 1, 2001, the IFFA Plan's termination date.

Your October 11, 2001 appeal stated that [redacted] was disabled on October 30, 1995, and enclosed supporting evidence.

The Appeals Board agrees with you that [redacted] was disabled before the IFFA Plan terminated. Unfortunately, the IFFA Plan imposes another requirement, which she did not meet.

Article 8 of the IFFA Plan provides that a "Member who incurs a Total and Permanent Disability after completion of at least ten Years of Continuous Employment may retire" shortly afterward, with a benefit that is not reduced because of early commencement.

Section 3.1(b) of the IFFA Plan provides that "Continuous Employment shall be each Year of Employment with the Company in which an Employee completes 2,340 Hours of Service with the Company."

Section 3.2 of the IFFA Plan provides that "Periods of . . . Medical Leave . . . during which an Employee is off the Company payroll shall not be deemed to interrupt Continuous

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Employment but shall not be counted as Continuous Employment for purposes of the Plan; . . ." (Emphasis ours)

TWA salary records show that [redacted] earnings ranged from \$20,380.76 to \$28,501.82 in the years 1987 through 1993. Even if the Appeals Board assumes that [redacted] worked 2,340 hours in each of those years, she would have only seven full years of Continuous Service from 1987 through 1993. TWA records also show that in 1994, she earned \$5,794.77 before going on unpaid medical leave on March 20. Documents available to the Board indicate that [redacted] did not return to active service with TWA at the end of her medical leave of absence. Thus, the Board found that [redacted] did not meet the IFFA Plan's disability retirement requirement of ten Years of Continuous Employment.

The Appeals Board regrets that PBGC's letter stated erroneous grounds for denying [redacted] request for disability retirement under the IFFA Plan. The Board also regrets that the outcome of your appeal is not a favorable one.

#### **Decision**

Having applied the IFFA Plan's provisions to the facts of this case, the Appeals Board found no reason to change the PBGC determination's conclusion that [redacted] is not entitled to disability retirement under the IFFA Plan. Therefore, we must deny your appeal. This is the agency's final decision on this matter and you may, if you wish, seek court review of this decision.

PLEASE NOTE, however, that PBGC will always, even after an appeal is closed, consider any new, specific evidence that [redacted] presents (for example, documentation that she completed at least ten Years of Continuous Employment as defined in the IFFA Plan) showing that she is entitled to disability retirement. If you have or obtain any such evidence, please send it to PBGC, Attn: Insurance Operations Department, at P.O. Box 151750, Alexandria, Virginia 22315-1750. If you need additional information from PBGC, please call the Customer Service Center at 1-800-400-7242.

Sincerely,



Michel Louis  
Appeals Board Member