

PBGC ADMINISTRATIVE PROCEDURES FOR POTENTIAL OMITTED PARTICIPANTS

OMITTED PARTICIPANTS - CHECKLIST

04/12/2012 – Client 1 contacted SCPRP on a survivor pension matter, case opened.

04/30/2012 – Client 2 contacted SCPRP on a survivor pension matter, case opened.

PBGC PARTICIPANT AND PLAN SPONSOR ADVOCATE

2014 – PBGC Participant and Plan Sponsor Advocate Commencement. Advocate takes the position that the evidence requirements for Potential Omitted Participant (POP) benefit claims are too high.

08/08/2014 – Client 3 contacted SCPRP on a pension vesting matter, case opened.

PBGC QUESTIONNAIRES & CANNOT APPROVE LETTER

09/2015 – Questionnaires with PBGC's questions sent by SCPRP to POP Clients.

12/2016 – Cannot Approve Letters issued by PBGC.

PBGC FOIA, PRIVACY ACT, AND CLAIMS AND APPEALS PROCEDURES

06/2018 – PBGC issues Award and Denial Letters for initial claims for POP pension benefits after assistance from the PBGC Participant and Plan Sponsor Advocate. Date of initial benefit claim = date Questionnaires received by PBGC. Clients 1, 2 & 3 denied.

07/2018 – First Request for Additional Time to File Appeal to file FOIA Request, including Plans named in PBGC Denial Letters.

09/20/2018 – PBGC FOIA Denial Letter.

01/15/2019 – Successful FOIA Appeal.

01/17/2019 – SPD Request.

02/28/2019 – Second Request for Additional Time to File Appeal to file FOIA Request and Privacy Act Request. Cases of Clients 1, 2 & 3 pending.

Compiled by Roger Curme, Attorney, South Central Pension Rights Project on June 21, 2019.

What People Should Do:

People who believe that a pension plan owes them a benefit and they may be missing from the plan records should first try to contact the pension plan administrator or the company where they earned their pension. If the company cannot be found, they can contact PBGC by e-mailing missing@pbgc.gov or by writing to the PBGC Pension Search Program, 1200 K Street NW, Washington, D.C. 20005-4026.

The person should provide name, address, day-time telephone number, Social Security number, date of birth, the name and location of the employer, and, if possible, the dates of employment, the name of the pension plan, the nine-digit Employer Identification Number (EIN) and the three-digit Plan Number (PN).

OMITTED PARTICIPANTS - CHECKLIST

Name of Plan _____
PBGC Case # _____
Date of Termination _____
Employer ID # _____
Years Worked _____
Evidence of Vesting
From Plan _____
From SSA _____
From other source(s) _____

Evidence of Omission from Annuity Purchase

Annuity Provider _____
Denial Letter _____
Annuity Provider _____
Denial Letter _____
Annuity Provider _____
Denial Letter _____

Evidence of Non-Receipt of Lump Sum

Client's Affidavit _____
Tax Returns for years: _____
(Best practice: year of termination of employment and following year:
year of standard termination and following year)

SOUTH CENTRAL PENSION RIGHTS PROJECT

P.O. Box 41256
Austin, TX 78704
Toll free: 1-800-443-2528
FAX: 512-477-6576
Email: gpartridge@tlsc.org
www.southcentralpension.org

HELPING INDIVIDUALS UNDERSTAND AND EXERCISE THEIR PENSION RIGHTS

September 4, 2015

[REDACTED]

Dear [REDACTED]

This letter is going out to all of our Florsheim clients.

I have been working closely with the Pension Benefit Guarantee Corporation (PBGC) the past two years, trying to obtain benefits for all of our Florsheim clients. The PBGC in more recent months assigned staff to research all of our Florsheim clients to see if they can find evidence sufficient enough (according to their standards) to grant benefits to our clients. I recently received a list of questions that the PBGC needs to have answered for each of our Florsheim clients which I have listed below. As I have mentioned before, the PBGC has set the bar pretty high when it comes to qualifying for a benefit from them. My contact person at the PBGC, [REDACTED] is attempting to satisfy PBGC's auditors and thus the reason for the questions. I suspect that the more complete your answers are, the better the chance that you will receive a pension benefit. So please answer the questions to the best of your ability and return to me in the enclosed envelope. Thank you.

What was the name of the plant where [REDACTED] worked?

Is this the only location he worked at?

What was his job titled?

Did the company/plant name change while he worked there? If so what did it change to?

Did [REDACTED] belong to a union? If so, what was the name and local number?

Was [REDACTED] an "hourly" employee or was he salaried and if salaried was he eligible for overtime?

Was [REDACTED] ever covered by another pension plan?

Sincerely,

Gary W. Partridge
Investigator

Enclosure



Pension Benefit Guaranty Corporation

1200 K Street, N.W., Washington, D.C. 20005-4026

Standard Termination Compliance Division
Office of Negotiations & Restructuring

Mr. Gary W. Partridge
South Central Pension Rights Project
PO Box 41256
Austin, TX 78704

DEC 19 2016

Plan Name: Florsheim Group, Inc. Retirement Plan ("Plan")
PBGC Case Number: 19556900

Dear Mr. Partridge,

I am writing in response to the inquiry you made on behalf of Ms. [REDACTED] regarding her claim for a PBGC guaranteed benefit as the surviving spouse of Mr. [REDACTED].

[REDACTED] states Mr. [REDACTED] worked for Florsheim Shoe Company ("Florsheim") and never received his pension benefit, nor has she received her survivor's benefit. However, no documentation was provided to show Mr. [REDACTED] met the eligibility criteria for a benefit entitlement (e.g., a benefit statement from the sponsor, Social Security Notice of Potential Private Benefits).

PBGC has worked with you over a number of months in an effort to obtain information that supports Ms. [REDACTED]'s benefit claim. The most substantial supporting documentation provided is the Social Security Administration Statement of Earnings that shows Mr. [REDACTED] worked for Furniture Brands International, Inc. ("Furniture Brands") from 19[REDACTED] to 19[REDACTED]. Furniture Brands was the parent company of Florsheim until 19[REDACTED].

While the earnings statement establishes Mr. [REDACTED] was an employee of Furniture Brands, it does not establish that he met the Plan's criteria for benefit eligibility. Specifically, sections 6(b) and 9(b) of the Plan document effective October 1, 1957, and in effect as of Mr. [REDACTED]'s termination of employment, required participants to work at least 1,000 hours for 15 calendar years to be eligible for a benefit.

Ms. [REDACTED] has stated Mr. [REDACTED] was an hourly employee, but did not provide documentation showing the record of hours he worked. Lacking any documents showing benefit eligibility, it is likely that Mr. [REDACTED] never satisfied the Plan's criteria for a benefit. Therefore, at this time we cannot approve Ms. [REDACTED]'s claim for a PBGC guaranteed benefit as a surviving spouse.

If she has any additional documentation to support Mr. [REDACTED] satisfied the Plan's benefit eligibility criteria, we can further consider her benefit claim. In the interim, PBGC is closing this case.

Sincerely,

Christina Wu, Auditor
Compliance and Audits Branch, Suite 920
(202) 326-4000, ext. 3282



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

Standard Termination Compliance Division
Office of Negotiations & Restructuring

Ms. [REDACTED]

Plan Name: Florsheim Group, Inc. Retirement Plan ("Plan")
PBGC Case Number: 19556900

Dear Ms. [REDACTED]

We write to follow up on your claim with the Pension Benefit Guaranty Corporation ("PBGC") for a guaranteed benefit as the surviving spouse of Mr. [REDACTED] from Mr. [REDACTED]'s employment with the Florsheim Shoe Company ("Florsheim"). The claim was filed in February 2015, on your behalf, by Mr. Gary Partridge of the South Central Pension Rights Project ("SCPRP").

Upon reviewing the facts and circumstances of your case, we regret to inform you that we are denying your benefit claim. The basis for this decision is explained below. This is an initial agency determination under 29 CFR § 4001.1(b)(7). Accordingly, you have the right to request review of this determination by filing an appeal with PBGC's Appeals Board within 45 days of the date of this determination. 29 CFR § 4003.53-4003.61. The mailing address of PBGC's Appeals Board is:

Pension Benefit Guaranty Corporation
Attn: Appeals Board
PO Box 151750
Alexandria, VA 22315-1750

The appeal must be in writing, be clearly designated as an appeal, and explain why you believe this determination is wrong. You may also submit additional information relevant to your appeal. See attached materials summarizing 29 C.F.R. § 4003 *et. al.* of PBGC's regulations regarding additional PBGC appeals requirements and procedures.

Background

Mr. Partridge notified PBGC in February 2015 that you were a new client of the SCPRP, and provided us information, which among other things, included your name, date of birth, Mr. [REDACTED]'s death certificate, your marriage certificate, and a copy of Mr. [REDACTED] Social Security Statement of Earnings ("SSA Earnings"). The SSA Earnings statement confirmed that Mr. [REDACTED] worked for Florsheim from 19[REDACTED] to 19[REDACTED].

In addition to reviewing the documentation from Mr. Partridge, PBGC reviewed the Plan termination records in our possession, including Plan documents and participant listings. To assist in evaluating your claim, PBGC provided an employment questionnaire to Mr. Partridge to obtain additional facts about Mr. [REDACTED]'s employment history with Florsheim. PBGC received the completed questionnaire from Mr. Partridge on November 12, 2015. The questionnaire provided the locations of the plants where Mr. [REDACTED] worked, his job title, and the name of the union in which he was a member.

On December 19, 2016, after reviewing all the information we had about Mr. [REDACTED]'s employment with Florsheim, PBGC sent you a letter stating that we were unable to approve your benefit claim because we did not have enough information to determine that you were likely owed a survivor benefit under the Plan. The letter also provided you an opportunity to send any other information to us that might help show that you were likely owed a Plan benefit. We did not receive any additional documentation from you or from Mr. Partridge.

Recently, Mr. Roger Curme of the SCPRP, who assumed responsibility for your case from Mr. Partridge, contacted PBGC's Employee and Plan Sponsor Advocate to make further inquiry on your behalf. On March 7, 2018, PBGC notified Mr. Curme that we would look at your case again and that he could send us additional information that might help your claim. However, we received no additional information to consider. After reviewing your case again, PBGC has determined that you are not due a benefit from the Plan; we explain why below.

Analysis

During Mr. [REDACTED]'s employment with Florsheim there was only one Plan document in effect, the Plan document effective October 1, 1957 (the "1957 PD"). The 1957 PD states that each employee who terminates employment prior to age 65 and who has at least 15 years of continuous credited service will be entitled to a benefit. However, that benefit is not payable until the employee is age 65. To earn a full year of credited service an employee must work 1,100 hours in a calendar year. The employee would receive fractional credited service for lesser hours worked.

The best documentation available to determine if Mr. [REDACTED] met the 1957 PD criteria to earn a benefit is his SSA Earnings statement. The statement lists a period of employment with Furniture Brands International, Inc. from 1957 to 1973.¹

Although the SSA Earnings statement does not show the number of hours worked, based on Mr. [REDACTED]'s annual earnings, it is likely that he met the 1,100 hour requirement for at least 15 calendar years and would have satisfied the Plan's 15-year continuous credited service requirement when he left employment with Florsheim. The next step, after deciding that a benefit was likely earned, is to decide if the participant

¹ Furniture Brands International, Inc. was the parent company of Florsheim until 1994, and the name under which Mr. [REDACTED]'s earnings data was reported to the Social Security Administration.

met the criteria to be paid that benefit under the terms of the Plan document.

As mentioned above, under the terms of the 1957 PD, a participant could not receive a benefit until they reached age 65. When Mr. [REDACTED] left employment with Florsheim he was [REDACTED] years of age and he died on [REDACTED] at age [REDACTED]. Unfortunately, Mr. [REDACTED] did not reach the age of 65 to receive a benefit. Additionally, the Plan document in effect when Mr. [REDACTED] left employment with Florsheim, the 1957 PD, provided no survivor benefit for Plan participants who did not reach the full retirement age. The law in effect when Mr. [REDACTED] terminated employment with Florsheim also did not require a plan to provide survivor benefits if a participant died before reaching the Plan's retirement age.²

Although the Plan continued to be amended to reflect changes in the law, such as those that required plans to include survivor benefits for participants with vested benefits who did not live to retirement age, those amendments clearly state that the changes only apply to Participants who were in active employment at the time the changes went into effect. Employees who terminated employment prior to those Plan amendments are covered by the provisions of the Plan in effect at the time they terminated employment. At the time of Mr. [REDACTED]'s termination of employment, the Plan did not provide survivor benefits to Plan participants who did not reach retirement age. For these reasons, PBGC is denying your claim for a PBGC guaranteed benefit.

As stated above, this is an initial agency determination and you have the right to request review of this determination by filing an appeal with PBGC's Appeals Board within 45 days of the date of this determination.

Sincerely,

[REDACTED]

[REDACTED]
Compliance and Audits Branch, Suite 920
(202) 326-4000, ext. [REDACTED]

cc Roger Curme
Constance A. Donovan
Camille M. Castro

² The Retirement Equity Act of 1984 ("REA 84") required pension plans to begin providing benefits for a surviving spouse when the participant had a vested benefit and died before retirement age. Although Mr. [REDACTED] was still living at the time REA 84 was enacted the new law did not apply to former employees. The law required that a participant have at least 1 hour of service or paid leave on or after the date of enactment to be covered by this new provision.



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

PBGC 2018-001486

September 20, 2018

Mr. Roger Curme
Attorney at Law
South Central Pension Rights Project
2101 IH 35 South, Suite 300
Austin, TX 78741

Re: Request for Pension Plans for Florsheim Group, Inc. EIN 43-0337683

Dear Mr. Curme:

I am responding to your request for information, submitted on August 14, 2018, to the Disclosure Division of the Pension Benefit Guaranty Corporation (PBGC). You requested copies of the Florsheim Group, Inc retirement plan effective October 1, 1957 and October 1, 1976. We processed your request in accordance with the Freedom of Information Act (FOIA), and the (PBGC) implementing regulation.

Pursuant to your request, we conducted a search of agency records and unfortunately, no records were located responsive to your request. However, we did locate 117 pages consisting The Florsheim Shoe Store Companies Pension Plan effective March 1, 1984 and The Florsheim Shoe Company Wholesale Salesmen's Retirement Plan effective March 1, 1989. The Disclosure Officer has determined these records are fully releasable. As such, as a courtesy, I am enclosing a copy of the located documents.

Since this constitutes a no record response, I am providing you with your administrative appeal rights in the event you wish to avail yourself of this process. I am providing you your administrative appeal rights in the event you wish to avail yourself of this process. The FOIA provides at 5 U.S.C. § 552(a)(6)(A)(i) (2014) amended by FOIA Improvement Act of 2016, Pub. L. No. 114-185, 130 Stat. 538 that if a disclosure request is denied in whole or in part by the Disclosure Officer, the requester may file a written appeal within 90 days from the date of the denial or, if later (in the case of a partial denial), 90 days from the date the requester receives the disclosed material. The PBGC's FOIA regulation provides at 29 C.F.R. § 4901.15 (2017) that the appeal shall state the grounds for appeal and any supporting statements or arguments, and shall be addressed to the General Counsel, Attention: Disclosure Division, Pension Benefit Guaranty Corporation, 1200 K Street, N.W., Washington, D.C. 20005. To expedite processing, the words "FOIA Appeal" should appear on the letter and prominently on the envelope.

In the alternative, you may contact the Disclosure Division's Public Liaison at (202) 326-4040 for further assistance and to discuss any aspect of your request. You also have the option to

contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

This completes processing of your request. There are no fees associated with its processing. You may submit future requests for PBGC records by accessing FOIAonline, our electronic FOIA processing system, at <https://foiaonline.gov>, or by e-mail at Disclosure@pbgc.gov.

Sincerely,



Government Information Specialist

Enclosures



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

VIA FEDERAL EXPRESS

PBGC 2018-001486

January 15, 2019

Mr. Roger Curme, Esquire
South Central Pension Rights Project
2101 IH 35 South, Suite 300
Austin, TX 78741

Re: Pension Plan for Florsheim Group, Incorporated and Subsidiaries

Dear Mr. Curme:

I am writing to supplement the Pension Benefit Guaranty Corporation's (PBGC) initial determination on your FOIA request, dated August 14, 2018. In your letter, you requested pension plan documents related to Florsheim Group as follows:

- 1) Florsheim Group, Inc. Retirement Plan, Plan Document effective October 1, 1957. EIN 43-0337683. Note: Furniture Brands International, Inc. (FBI) was the parent company of Florsheim until 1994, and the name under which some workers' earnings data was reported to the Social Security Administration.
- 2) Florsheim Group, Inc. Retirement Plan, Plan Document effective October 1, 1976. EIN 43-0337683. Note: FBI Wind Down, Inc. is a successor name of Florsheim, and the name under which some workers' earnings data was reported to the Social Security Administration.

The PBGC's Disclosure Division issued a "no records" response to your FOIA request. In our letter, dated September 10, 2018, we explained that after conducting a search for responsive records, we were unable to locate the documents you specifically requested. As a courtesy, we disclosed 117 pages, consisting of The Florsheim Shoe Store Companies Pension Plan (effective March 1, 1984) and The Florsheim Shoe Company Wholesale Salesmen's Retirement Plan (effective March 1, 1989).

After receiving your appeal, the PBGC General Counsel's staff conducted another search for responsive records. They utilized the additional information you provided in your appeal. They determined the existence of records outside of where they are usually stored and maintained. They forwarded those records to me to make an initial release determination in accordance with the FOIA. As such, I am supplementing the previous disclosure by providing you with a copy of the two plan documents they located. I have determined that these documents, consisting of 43 pages and responsive to your request, are fully releasable as follows:

- International Shoe Company Pension Plan – Effective Date: October 1, 1976 (22 pages).
- United Shoe Workers of America, AFL-CIO and Boot and Shoe Workers Union, AFL-CIO International Shoe Company Pension Plan Effective October 1, 1957 (21 pages).

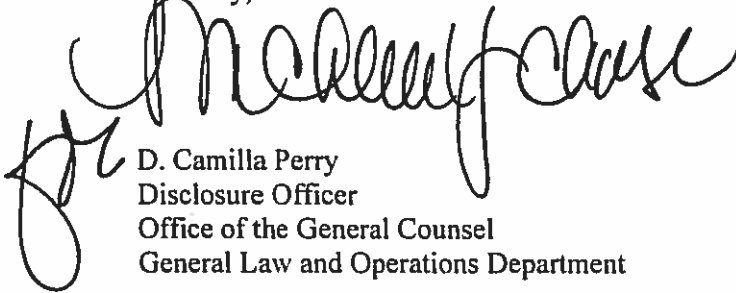
In accordance with the Disclosure Division's obligation to disclose responsive records in good faith, the Disclosure Division hereby supplements the agency's disclosure determination in response to FOIA request 2018-001486. As such, I am reissuing you your administrative appeal rights in the event you wish to avail yourself of this process, albeit this response does not constitute a denial of your FOIA request.

The FOIA provides at 5 U.S.C. § 552(a)(6)(A)(i) (2014) amended by FOIA Improvement Act of 2016, Pub. L. No. 114-185, 130 Stat. 538 that if a disclosure request is denied in whole or in part by the Disclosure Officer, the requester may file a written appeal within 90 days from the date of the denial or, if later (in the case of a partial denial), 90 days from the date the requester receives the disclosed material. The PBGC's FOIA regulation provides at 29 C.F.R. § 4901.15 (2017) that the appeal shall state the grounds for appeal and any supporting statements or arguments, and shall be addressed to the General Counsel, Attention: Disclosure Division, Pension Benefit Guaranty Corporation, 1200 K Street, N.W., Washington, D.C. 20005. To expedite processing, the words "FOIA Appeal" should appear on the letter and prominently on the envelope.

In the alternative, you may contact the Disclosure Division's Public Liaison at (202) 326-4040 for further assistance and to discuss any aspect of your request. You also have the option to contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

This completes processing of your initial FOIA request. There are no fees associated with processing this request. For any future requests, you may submit your request by accessing FOIAonline, our electronic FOIA processing system, at <https://foiaonline.gov>, or by email at disclosure@pbgc.gov.

Sincerely,



D. Camilla Perry
Disclosure Officer
Office of the General Counsel
General Law and Operations Department

Enclosure

Pension Benefit Guaranty Corporation
Summary Plan Description Request Form

1. Plan Name: *United Shoe Workers of America, AFL-CIO and Boot and Shoe Workers Union, AFL-CIO International Shoe Company Pension Plan*

2. Plan Sponsor Name: *Furniture Brands International, Inc.*

3. Plan Type: **Defined Benefit** **Defined Contribution**
 Other

4. EIN/PN: *43-0337683*

5. Requester Name (Full Name): *Roger Curme*

Address: South Central Pension Rights Project, P.O. Box 41256, Austin, TX 78704

6. Requester Company Name: *South Central Pension Rights Project*

Company Address: P.O. Box 41256, Austin, TX 78704

7. Telephone Number: *512-477-6000 Extension 142*

8. E-mail Address (Optional): *rcurme@tlsc.org*

9. Fax Number (Optional): *512-477-6576*



Signature

01/17/2019

Date

For Internal Use Only:

SPD Found and Sent to Requester

SPD Not Found


Signature

Date

Reference Request Sheet

ARCIS

Archives and Records Centers
Information System

Reference Request #: ARR1-3491442441


Assigned To : APHARMER
Batch #: 8403 PBGC

Request Category : General Reference

Ship To :
NICOMEDES DAVID
1200 K. ST. NW SUITE 9234
WASHINGTON DC 20005

Transfer #: PT-465-2014-0081

Container #: 1

Shipping Method : Standard (billed)
Shipping Acc #: N/A
Nature of Service : Copy of Records
Service Level : Standard
Source : Portal
Email : david.nicomedes@pbgc.gov

Asset #: AAC1-883335814

Asset Location : PTS-01-STG-05

Case/File Information : EIN/PN 430337683

Whole Container: N Public Request : N

Agency Comments :

Creation Date : 01/18/2019

SPD Request EIN/PN 430337683 United Shoe Workers of
America Please email findings to
david.nicomedes@pbgc.gov

Charge Code : 00

Requested By : 
Pension Benefit Guaranty Corporation

01/18/2019 07:51:55



8403 PBGC

PTS-01-STG-05

Transfer#:PT-465-2014-0081 Box:1 CC:00

ARR1-3491442441

Asset#: AAC1-883335814

Whole Container: N

C/F:EIN/PN 430337683


Created: 01/18/2019

APHARMER

General Reference

Copy of Records

Standard Standard (billed) N/A

TO: 
1200 K. ST. NW SUITE 9234
WASHINGTON DC 20005
P: (202)326-4000x6750 F:



Request for Additional Time to File an Appeal of a PBGC Benefit Determination

PBGC Form 723
Approved OMB 1212-0061
Expires 8/31/2019

Pension Benefit Guaranty Corporation
P.O. Box 151750 Alexandria Virginia 22315-1750

For assistance, call 1-800-400-7242 ext. 4090

As a recipient of a PBGC benefit determination, you have the right to appeal PBGC's determination of your benefit if you can provide a specific reason why the determination is wrong. If you simply have a question about your benefit or how it was calculated, you should call PBGC's Customer Contact Center at 1-800-400-7242. You have 45 calendar days from the date on PBGC's determination letter to submit an appeal. If you need more time to prepare your appeal, you must request an extension from the Appeals Division before the 45-calendar-day limit expires. The appeal period will be suspended as of the date you file your request for an extension. Your request must be in writing and must state why you need more time to file your appeal and how much more time you will need. You may request an extension of time to file your appeal by using this form or by sending a letter, e-mail or fax that includes the information requested on this form. This request must be postmarked by the U.S. Postal Service or received in the Appeals Division no later than 45 calendar days from the date on PBGC's determination letter. If you use this form, please use dark ink and be sure to print clearly. Mail this form, and copies of appropriate documents, to the address shown on page 2. If you have questions about the appeals process, please refer to PBGC's brochure *Your Right to Appeal*, or call the Appeals Division at 1-800-400-7242 ext. 4090.

1. Appellant Information (Specify one)

<input checked="" type="checkbox"/> Participant	<input type="checkbox"/> Beneficiary of a Deceased Participant	<input type="checkbox"/> Alternate Payee
Last Name [REDACTED]		First Name [REDACTED]
Middle Name [REDACTED]	Other Name(s) Used	
Social Security Number [REDACTED]	Date of Birth (mm/dd/yyyy) [REDACTED]	Gender MALE <input type="checkbox"/> FEMALE <input checked="" type="checkbox"/>
Mailing Address [REDACTED]		Apartment / Route Number
City [REDACTED]	State [REDACTED]	Zip Code [REDACTED]
Country	E-mail (optional)	
Daytime Phone ([REDACTED])	EXTENSION [REDACTED]	Evening Phone ([REDACTED])

2. Plan Information

Plan Name	Florsheim Group, Inc. Retirement Plan	
PBGC Case Number	19556900	
Date of PBGC Benefit Determination Letter you are appealing (You must submit this form no later than 45 calendar days from the date on the Benefit Determination Letter)	06	07
	12	018
	(mm/dd/yyyy)	

3. Explain the reason(s) for needing additional time to appeal (Use additional pages, if necessary.)

please see additional pages

3. Explain the reason(s) for needing additional time to appeal

South Central Pension Rights Project (SCPRP) filed a potentially omitted participant claim for benefits with PBGC in February, 2015: PBGC Case Number: 19556900, Plan Name: Florsheim Group, Inc. Retirement Plan.

PBGC made an initial agency determination under 29 C.F.R. 4001.1(b)(7) denying the claim for benefits on June 7, 2018. A Request for Additional Time to File an Appeal of a PBGC Benefit Determination was requested on July 18, 2018, and granted by PBGC on August 2, 2018. A FOIA request for a plan documents was made for Ms. [REDACTED] on August 14, 2018 and was denied by PBGC by "no record" response on September 20, 2018. The FOIA denial was appealed November 20, 2018 and PBGC responded with a "supplement" that contained the requested plan documents by letter dated January 15, 2019. Prior to the benefit claim that resulted in the PBGC initial determination decision there were extensive communications between Mr. Gary Partridge (retired SCPRP case handler) and Mr. Curme of SCPRP and PBGC regarding this matter. Prior to receipt of the January 15, 2019 supplement, SCPRP had never seen the 1957 Plan Document (PD) or 1976 PD, known the name of the 1957 PD or 1976 PD, or known that they were the Plans in effect during Ms. [REDACTED] employment with Florsheim. On January 17, 2019, a request for summary plan descriptions related to the plan documents obtained in the FOIA request was made to PBGC for Ms. [REDACTED]. By January 24, 2019, PBGC had responded with a summary plan description. The PBGC benefit appeal deadline had been tolled pending the FOIA request. By letter dated January 22, 2019, PBGC granted until close of business on Friday, March 1, 2019 to file a benefit appeal on behalf of Ms. [REDACTED].

Whereas the 1957 and 1976 Plan Documents were received by Appellant on January 17, 2019, only then for the first time providing the name of the Plan Documents, and requests for summary plan descriptions for those Plan Documents were made virtually immediately and the response from PBGC was fully received only by January 24, 2019, and the information suggests that Ms. [REDACTED] was covered by successor plans, more time is needed to complete the record and, if appropriate pursue the appeal.

February 27, 2019

Florsheim Shoe Company

Background

██████████ contacted the South Central Pension Rights Project (SCPRP) in August 2014 looking for her pension. She worked as an hourly employee in Florsheim Shoes' ██████████ plant from 197██████████ through 19██████████ (Florsheim Shoes was a division of Interco. Interco later became Furniture Brands International.)

SCPRP submitted Ms. ██████████'s claim for benefits to PBGC in February 2015. In December 2016, PBGC sent Ms. ██████████ a letter stating that it did not have enough information to approve her benefit claim. Roger Curme from the SCPRP contacted the Office of the Advocate in late February 2018 requesting assistance with Ms. Law's claim.

Summary of Relevant Terms of the International Shoe Company Pension Plan (eff. October 1, 1976)

Section 3.2: Employees include hourly workers.

Section 3.4: Hour of employment is each hour which an employee is paid or entitled to payment during a calendar year; includes vacation, holiday, illness, incapacity, jury duty, or approved leave of absence.

Section 3.5: Participation shall commence as of the earliest of March 1 or September 1 as of which the employee had both attained age 25 and completed a 12 consecutive month period ending prior to said date of not less than 1000 hours of employment.

"Any Employee included under the provisions of the prior Plan [the United Shoe Workers of America, AFL-CIO and Boot and Shoe Workers Union, AFL-CIO International Shoe Company Pension Plan, effective October 1, 1957] as of the Effective Date [October 1, 1976] shall continue to be a Participant in accordance with the provisions of this Plan." (Section 3.5(a)) (Note: The prior Plan, effective October 1, 1957, did not have any age requirement for participation.)

Section 3.6: For a participant as of October 1, 1976, the participant's last period of continuous employment with the company prior to October 1, 1976, shall be counted as vesting service. After October 1, 1976, one year of vesting service is 1000 hours or more of employment during a calendar year.

Section 4.3: Employees terminating prior to age 62 need 10 years of vesting service to vest.

Schedule A: Lists ██████████ MO Factory of Florsheim Shoes.

According to: (1) Wage Chronology: International Shoe Co., the Shoe Workers, and the Boot and Show Workers 1945 – 78, U.S. Department of Labor, Bureau of Labor Statistics, 1979, Bulletin 2010; and (2) History of Federal Minimum Wage Rates Under the Fair Labor Standards Act, 1938 – 2009, U.S. Department of Labor, Wage and Hour Division (<https://www.dol.gov/whd/minwage/chart.htm>), the

minimum hourly rates for dayworkers and pieceworkers, 1945 – 1976 generally tracks the minimum wage rates under the Fair Labor Standards Act.

According to Ms. [REDACTED]'s Social Security Administration Itemized Statement of Earnings, she worked for FBI Wind Down Inc., Employer Identification Number 43-0337683, from the third quarter of 1975 (Q3 1975) through at least a substantial part of 1976. If it is assumed the minimum hourly rates for dayworkers and pieceworkers tracks the minimum wage rates under the Fair Labor Standards Act through 1976, and that Ms. [REDACTED] worked for minimum wage during her tenure with FBI Wind Down Inc., then she would have more than 10 years of both vesting credit and service credit. Ms. [REDACTED]'s last period of continuous employment with the company prior to October 1, 1976 was from 3Q 1975 through 3Q 1976, which is 0.25 years of vesting for each of five quarters, a total of 1.25 years of vesting service. After October 1, 1976, Ms. [REDACTED]'s vesting service is as follows: 4Q 1975, over 1000 hours for calendar year 1976 = 1 year; plus 1 year of vesting for each of nine years, a total of 10 years of vesting service. Ms. [REDACTED]'s vesting service prior to October 1, 1976 (1.25 years) plus on or after October 1, 1976 (10 years) totals 11.25 years; benefit service totals 10.50:

SSA EARNINGS STATEMENT PERIOD	SSA EARNINGS STATEMENT WAGES	MIN WAGE	WAGES/MIN WAGE		HRS WORKED CALENDAR YR	CALENDAR YR	VESTING	BENEFIT
			HRS WORKED	PERIOD			CREDITED	CREDITED
							SERVICE CALENDAR YR	SERVICE CALENDAR YR
1st qtr 1975	0.00	2.10	0.00				0.00	
2nd qtr 1975	0.00	2.10	0.00				0.00	
3rd qtr 1975	1112.03	2.10	529.54				0.25	
4th qtr 1975	1410.41	2.10	671.62	1201.16	1975		0.25	
1st qtr 1976	387.63	2.30	168.53				0.25	
2nd qtr 1976	1367.68	2.30	594.64				0.25	
3rd qtr 1976	185.44	2.30	80.63				0.25	1.25
4th qtr 1976	826.36	2.30	359.29	1203.09	1976		1.00	0.25
1st qtr 1977	1426.68	2.30	620.30				0	0.00
2nd qtr 1977	1988.17	2.30	864.42				0	0.00
3rd qtr 1977	857.41	2.30	372.79				0	0.00
4th qtr 1977	1503.45	2.30	653.67	2511.18	1977		1.00	1.00
1978	5599.99	2.65	2113.20	0.00	1978		1.00	1.00
1979	3208.28	2.90	1106.30	0.00	1979		1.00	1.00
1980	3439.24	3.10	1109.43	0.00	1980		1.00	1.00
1981	6867.97	3.35	2050.14	0.00	1981		1.00	1.00
1982	6538.62	3.35	1951.83	0.00	1982		1.00	1.00
1983	5520.17	3.35	1647.81	0.00	1983		1.00	1.00
1984	7870.43	3.35	2349.38	0.00	1984		1.00	1.00
1985	3706.06	3.35	1106.29	0.00	1985		1.00	1.00
							11.25	10.50

The assumption that Ms. [REDACTED] earned minimum wage for the duration of her employment at FBI Wind Down Inc. is, of course, suspect. However, further information gathering from PBGC and other sources may provide information that would fill in the gaps.

PBGC-2019-000576 Request Details



Submitted



Evaluation



Assignment



Processing



Closed

Contact Information

Full Name	Mr. Roger W. Curme
Organization	South Central Pension Rights Project
Email Address	rcurme@tlsc.org
Phone Number	5124776000
Fax Number	5124776576
Mailing Address Location	United States/US Territories
Address Line 1	2101 IH 35 South, Suite 300
Address Line 2	
City	Austin
State/Province	TX
Zip Code/Postal Code	78741

Request Information

Agency	Pension Benefit Guaranty Corporation
Will Pay Up To	\$200.00
Date Submitted	03/01/2019
Estimated Date of Completion	TBD
Fee Category	
Request Track	Simple
Request Phase	Submitted
Final Disposition	Undetermined

Description

Description	FOIA and Privacy Act Requests in connection with PBGC benefit claim, PBGC Case Number: 19556900, Plan Name: Florsheim Group Inc. Retirement Plan. A Request for Additional Time to File an Appeal of a PBGC Benefit Determination has been filed (attached).
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Request Expedited Processing

Made Request?	No
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Request a Fee Waiver

Made Request? Yes

Expedited Justification Disclosure of Information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the PBGC and administrative benefit claims and appeals procedures under 29 C.F.R. Part 4003. South Central Pension Rights Project is a non-profit organization.

Supporting Files

Download	Attached File Name	Size (MB)	File Type
	Req 4 Addtl Time to File PBGC Benefit Appeal.pdf	0.2653	Adobe PDF Document
	FOIA - Privacy Act.pdf	0.2178	Adobe PDF Document

Description: Inquirer:

Inquirer's name: [REDACTED]

Inquirer's SSN: [REDACTED]

Inquirer's Date of Birth: [REDACTED]

Name of Participant: [REDACTED]

Participant's SSN: [REDACTED]

Participant's Date of Birth: [REDACTED]

Name of Pension Plan Sponsor: Florsheim Shoe Company

EIN of Pension Plan Sponsor: EIN 43-0337683

Dates of Employment: 19[REDACTED] - 19[REDACTED]

I am writing to request a copy of documents pertaining to the termination of the pension plan originally named: United Shoe Workers of America, AFL-CIO and Boot and Shoe Workers Union, AFL-CIO International Shoe Company Pension Plan, effective October 1, 1957; which Plan was succeeded by the International Shoe Company Pension Plan, effective date: October 1, 1976. The Plan Number is 051.

This request includes, but is not limited to copies of PBGC Form 500 with attendant schedules and attachments, Notice of Intent to Terminate, Notice of Plan Benefits, Notices of Annuity Information, Notice of Annuity Contract, Post-Distribution Certification, Annuity Lists, Lump Sum Payment Lists, PBGC's historical premium filings, and any filings concerning missing participants. These documents pertain to my Client, Ms. [REDACTED] because she is the Participant with a pending benefit appeal with PBGC (attached).

This request further includes successor plan documents, material modifications, and summary plan descriptions for the following two plans:

- (1) United Shoe Workers of America, AFL-CIO and Boot and Shoe Workers Union, AFL-CIO International Shoe Company Pension Plan, effective October 1, 1957; and
- (2) International Shoe Company Pension Plan (effective date: October 1, 1976).

Please send the requested information to:
South Central Pension Rights Project
Attn: Roger Curme, Attorney at Law
2101 IH 35 South, Suite 300
Austin, TX 78741

Roger Curme

From: admin@foiaonline.gov
Sent: Friday, March 8, 2019 8:30 AM
To: Roger Curme
Subject: FOIA Fee Waiver Disposition Reached for PBGC-2019-000576

Your request for Fee Waiver for the FOIA request PBGC-2019-000576 has been determined to be not applicable as the request is not billable. Additional details for this request are as follows:

- Request Created on: 03/01/2019
- Request Description: FOIA and Privacy Act Requests in connection with PBGC benefit claim, PBGC Case Number: 19556900, Plan Name: Florsheim Group Inc. Retirement Plan. A Request for Additional Time to File an Appeal of a PBGC Benefit Determination has been filed (attached).
- Fee Waiver Original Justification: Disclosure of Information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the PBGC and administrative benefit claims and appeals procedures under 29 C.F.R. Part 4003. South Central Pension Rights Project is a non-profit organization.
- Fee Waiver Disposition Reason: N/A