

Second Notice of Overpayment

Bank of America Employee  
Retirement Benefits Service Center  
800-457-5700

May 06, 2021

[REDACTED]

RE: File Number W065517-18FEB21

Dear Estate of [REDACTED]:

Please accept our condolences for your loss. Our records show that The Estate of [REDACTED] has received an overpayment of benefits from the Bank of America Pension Plan - LaSalle in the amount of \$27,340.02, for the period of September 2015 through February 2021. The overpayment occurred because payments should have ceased after [REDACTED] death.

The Plan is a tax-qualified defined benefit retirement plan under the Internal Revenue Code. To maintain the Plan's tax-qualified status, the Plan Sponsor must ensure that all covered employees, retirees, and beneficiaries receive only the benefits to which they are entitled under the Plan. **To date, we have not received a response to our request for repayment.**

In the event of an overpayment, the Plan is required to recover the gross amount of the overpayment totaling \$27,340.02. Please repay this amount in one lump sum by June 06, 2021.

To return the overpayment to the plan, please send check or money order for the above amount payable to FIIOC, FBO Bank of America Pension Plan - LaSalle. Please complete the enclosed *Repayment Form* and put reference number W065517-18FEB21 on the check, with a note stating this is a return of a Plan overpayment. The check and repayment form should be returned to the Bank of America Employee Retirement Benefits Service Center in the enclosed envelope.

**Please note:** If you do not remit payment or contact the Benefit Service center to make a reasonable attempt to repay the amount owed, further action may be taken (including your account potentially being turned over to a professional collection agency).

Please note that the overpayment amount is not eligible for favorable tax treatment accorded to distributions from qualified plans, and is *not* eligible for rollover to another employer-sponsored retirement plan or IRA. Therefore, if you rolled over the original annuity payments, you should contact your new plan sponsor or IRA custodian immediately to arrange to have the overpayment returned to the Plan. Your new plan sponsor or IRA custodian can follow the instructions in the preceding sentence in order to return



# MAPRP

Mid-America Pension Rights Project

www.mid-americanpensions.org | 866.735.7737

Lansing Office  
3815 W. St. Joseph  
Suite C-200  
Lansing, MI 48917

866.735.7737 | www.mid-americanpensions.org

July 8, 2021

Bank of America  
Corporate Benefits Committee  
NC1-021-07-07  
401 N. Tyron Street  
Charlotte, NC 28255  
**ATTENTION: Legal Counsel**

**SENT BY CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

**Surviving Spouse**

**RE:**

**SSN:**

**DOB: 2/22/1953**

**Participant**

**RE:**

**SSN:**

**DOB: 6/16/1948**

**DOD: 8/9/2015**

**File Number W065517-18FEB21**

Dear Counselor,

I am writing to you because on 5/13/2021 I sent an inquiry letter to your office and Soundra Simpson, Vice President of Life Event Services, regarding an alleged overpayment made to my client, XXX. On 7/6/2021 I received an email from Ms. Simpson indicating that she did not have information regarding my client's case. As of this date, I have not received a response from your office.

As stated in my 5/13/2021 inquiry letter, Mr. XXX's wife passed away in 2015 and was collecting a monthly pension benefit up until her death. Mrs. XXX had elected a 100% Joint and Survivor Benefit in the amount of \$408.06 which was to be paid to Mr. XXX.



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On 3/25/2021, Bank of America sent Mr. XXX a letter alleging that there was an overpayment of \$27,340.02 for the period of September 2015 through February 2021 because payments should have ceased after the death of his wife, XXX. A copy of the letter is provided for your convenience.

Mr. XXX received a check from Bank of America Pension Plan, dated 6/18/2021, in the amount of \$28,564.20. Mr. XXX has not cashed this check because he believes it is in error.

Mr. XXX's surviving spouse benefits stopped in March 2021. On 7/1/2021, Mr. XXX received a payment of \$408.06 for July's payment. He has not received his surviving spouse benefit for the months of April, May, and June 2021 totaling \$1,224.18 (\$408.06 x 3).

Mr. XXX would like to resolve the issues of the alleged overpayment of \$27,340.02 and the recent payment of \$28,564.20. At this time, Mr. XXX is owed \$1,224.18 for April, May, and June 2021 surviving spouse payments. Please advise us how to proceed in this matter and whether Mr. XXX should return the check for \$28,564.20.

**PLEASE NOTE: THIS IS NOT A CLAIM FOR BENEFITS.**

If you prefer to send the information directly to Mr. XXX, I have provided his contact information below for your convenience:

XXX  
ADDRESS

**PLEASE RESPOND IN WRITING ONLY.**

Thank you for your prompt assistance in this matter. If you have any questions, please contact me directly at (517) 853-7188 or [csteinmetz@elderlawofmi.org](mailto:csteinmetz@elderlawofmi.org).

Sincerely,

Christine Steinmetz  
Attorney

**Enclosure:**

Authorization for Release of Information  
Bank of America Letter, dated 3/25/2021  
Inquiry Letter, dated 5/13/2021