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November 13, 2012

Pension Benefit Guaranty Corp.  
Operations Department  
P.O. Box 151750  
Alexandria VA. 22315-1570

Re: Keokuk Steel Castings Inc.  
National Castings Inc.,  
Merged PP for Hourly Employees  
Jimmy XXXX Jr.,  
ssn YYY-YY-0057  
Dob 8-13-1958  
PBGC case number: 19648300

Dear Sir or Madam:

I have enclosed the affidavit of Jimmy XXXX, who has very limited reading ability, and the affidavit of his sister Bobby Jennings, who read the document to Mr. XXXX before he swore to its truth before a notary public. In his affidavit, Mr. XXXX attests that he never received a lumpsum payout of pension benefits, and also describes the frequent changes of address that would have decreased the likelihood that he would have received such a payout even if an effort had been made to mail it to him.

Consistent with Mr. XXXX's contention that he never received payment of his pension, PBGC's own file is bereft of any evidence, and certainly contains no proof that Mr. XXXX received it. Nor does it contain any evidence or proof that its mailing or delivery was even attempted. Indeed, the PBGC folder does even contain an affidavit or certification that mailing was attempted on a certain day to an address believed to be that of Mr. XXXX.

The only suggestion that payment might have been received by Mr. XXXX is based on speculation that his benefit would have been relatively small, which, even if true, would

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John C. Gray, Project Director

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fall considerably short of being even circumstantial evidence that it was sent to, and received by, Mr. XXXX. This evidentiary vacuum is particularly significant if one considers how easy it would have been for the person making payment to furnish confirmation that Mr. XXXX received it by retaining the cancelled check or the signed certified mail receipt.

The ease with which evidence of payment could be provided contrasts with the unavailability of IRS or local tax records that might, even if they were available, could not carry the impossible burden of “proving the negative” of nonpayment. Under these circumstances, an agency of the United States government refusing to pay Mr. XXXX a pension is so unfair as to be violative of his rights under the Due Process Clause of the Fifth Amendment. At a minimum, if PBGC believes that there is evidence supporting payment of Mr. XXXX’s pension and reason to doubt Mr. XXXX’s attestation of nonpayment, I am requesting that an evidentiary hearing be held where Mr. XXXX’s credibility can be tested under cross-examination.

Thank you for your consideration of this claim.

Very truly yours,

Gary Steven Stone  
Senior Staff Attorney

## Affidavit of Jimmy

Jimmy \_\_\_\_\_, being duly sworn, deposes and says:

1. I am making this affidavit in support of my claim for pension benefits from the Pension Benefit Guarantee Corporation ("PBGC").

### My Background and Work

2. I began to work for Midland Ross in 1976, when I was 17, and I worked at the same job until 1987. The name of the company changed while I was there, but I worked in the same factory the whole time.
3. I got hurt in 1981, received workers compensation for two years, and then worked four more years. The accident I suffered involved a co-worker accidentally dropping a very heavy piece of steel on my feet, which caused a lot of damage.
4. My health is very poor. I suffer from heart disease and kidney disease. Additionally, I also had a nervous breakdown not long after my accident and have been in a bad way emotionally. I also have what is thought to be an early stage of dementia. I receive SSD, which is my only source of income.

5. I struggle financially. For this reason, I have moved around a lot, usually staying with family and friends.
6. I never got a single pension check in the mail, and I never received a single cent of my pension. I never received any notice that my pension plan was being terminated until my attorney later began to look into why I had not received my pension.
7. The following is a list to the best of my and my sister Bobby Jennings' recollection, of where I have lived when I was working and in a period of time when my pension might have issued a check.

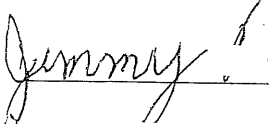
My Various Addresses:

8. From 1995 to 2003, I lived at 936 North St. Louis Street in Chicago, IL. I got no pension check during that time period. In 2003, I moved to 4909 West Adams Street in Chicago, IL. I also got no pension check there.
9. I moved a considerable number of times while I was working. I lived in the following places from 1976 to 1987: In 1976, I lived at Roosevelt and Independence in Chicago, IL. From 1977 to 1982, I lived at 412 South 12<sup>th</sup> Street in Maywood, IL. In 1982 I lived at Washington and Koston in Chicago, IL. In 1983, I lived at 412 South 12<sup>th</sup> Street in Maywood, IL. In 1984, I lived at Homan

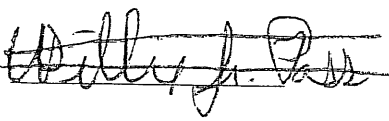
and Ohio Street in Chicago, IL. In 1985, I lived on Kimball Street in Chicago, IL. In 1986, I lived on Oakley Street in Chicago, IL. From 1987 to 1991, I lived at Cortland and Drake in Chicago, IL.

This Affidavit:

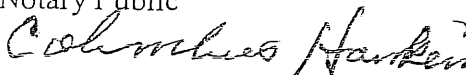
10. Because I do not read well, this affidavit has been read to me and I am only signing it because I agree with the facts in it. The person who read this affidavit to me has signed a separate affidavit swearing that this affidavit was read to me exactly as it is written.

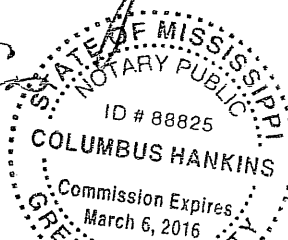
  
Jimmy.

Sworn before me this day of September 2012 - 9-29-2012

 - Jimmy

Notary Public





I Bobby J. Janning being duly sworn, depose and say:

1. I have read Jimmy [redacted] the attached affidavit in full and without any changes.

Bobby Janning

Sworn to before me this day of September 2012 9-29-2012

Columbus Hankins  
Notary Public

