



PBGC/Benefits Admin & Payment Dept
P.O. Box 151750
Alexandria VA 22315-1750

MAY 08 2012

405NM
May 04, 2012

PBGC Case Number: 18644000
Plan Name: NORTH & JUDD, INC. UAW RETIREMENT PLAN

JOHN

Dear _____:

We have finished our review of the plan and your records, and we have determined that you are not entitled to a pension benefit payable by PBGC.

According to the Participant Data Audit, on June 30, 1945, North & Judd Manufacturing Company which later became a division of Gulf Western Manufacturing Company (Eastern Group) established a profit-sharing plan for employees. Effective January 1, 1967, the profit-sharing plan was amended and restated as a pension plan for employees who are now represented by Local 376 of the United Auto Workers. The Plan was restated effective in 1976 and again on August 1, 1994.

According to the Final Controlled Group and Net Worth Audit Report, North & Judd, Inc. was a subsidiary of Gulf and Western Manufacturing, Inc. until 1983 when 100% of its common voting stock was purchased by Michael Grigoriou.

According to the Introduction of the 1/1/1976 Plan Document, the North & Judd Manufacturing Company became known as the North & Judd Division of Gulf & Western Manufacturing Company (Eastern Group). Section 1.8 defines an Employee as "Any person in the employ of the Employer at its North & Judd Division". Section 1.9 defines the Employer as "Gulf & Western Manufacturing Company for its North & Judd Division".

According to the Plan Participation Information (PPI) form 709, you stated that you were employed with North & Judd / Gulf & Western from 1969 through 1980 as a tool and die setter. The location of employment with North & Judd was different than the location of employment with Gulf & Western. You worked for North & Judd in New Britain, CT and worked for Gulf & Western in Cromwell, CT. During this time, you noted that you were covered by the United Auto Workers (UAW) Collective Bargaining Agreement, during which time period you also stated that you were an hourly paid employee with no breaks in service.

The Case Management System (CMS) has an Employer Identification Number (EIN) of 383154733 for North & Judd, Inc., the sponsor of the UAW Retirement Plan. The Social Security Earning report for the period of 1967 through 1980 with Employers named North & Judd or Gulf & Western are summarized in the table below. You had possibly four different Employers during this time. All four Employers have a different EIN and all four of the EINs are different from the EIN listed in CMS for this plan.

Pension Benefit Guaranty Corporation
U.S. Government Agency

Year	EIN	Employer Name	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr	Total
1967	080474430	North & Judd Mfg Co.			\$84.27		\$84.27
1968	060842047	North & Judd Manufacturing Co			\$181.18	\$1,578.68	\$1,740.88
1969	060842047 and 941836780	North & Judd Manufacturing Co and Gulf & Western Precision Engineering Company	\$1,687.59	\$1,147.24	\$519.88	\$2,356.27	\$5,711.08
1970	941836780	Gulf & Western Precision Engineering Company	\$1,884.43	\$1,907.99	\$1,817.18	\$1,603.21	\$7,012.81
1971	941836780	Gulf & Western Precision Engineering Company	\$1,471.12	\$1,841.11	\$1,584.12	\$2,354.16	\$7,250.51
1972	941836780	Gulf & Western Precision Engineering Company	\$2,385.73	\$2,829.27	\$2,020.02	\$1,754.98	\$8,000.00
1973	941836780	Gulf & Western Precision Engineering Company	\$2,547.31	\$1,100.83			\$3,647.94
1974	941836780	Gulf & Western Precision Engineering Company			\$859.07	\$2,498.56	\$3,357.63
1975	941836780	Gulf & Western Precision Engineering Company	\$1,790.71	\$2,126.25	\$1,568.58	\$2,555.67	\$8,041.21
1976	941836780	Gulf & Western Precision Engineering Company	\$2,780.13	\$2,309.86	\$2,810.18	\$2,478.74	\$10,176.91
1977	941836780 and 060888767	Gulf & Western Precision Engineering Company and Gulf & Western Manufacturing Co.	\$1,947.86	\$1,492.38	\$2,379.05	\$2,955.60	\$8,774.89
1978	060888767	Gulf & Western Manufacturing Co.					\$11,349.51
1979	060888767	Gulf & Western Manufacturing Co.					\$12,650.63
1980	060888767	Gulf & Western Manufacturing Co.					\$2,841.10

Per page eight of the Case Memo, the Vesting Schedule was a 10-year cliff prior to 1/1/1989. It also states the Plan based Vesting service on elapsed time. Per Section 1.18 (a)(i) of the 1/1/1976 Plan Document, Vesting Service is defined as "The total period of employment with the Employer or any predecessor of the Employer or with any business entity which is a member of a controlled group with the Employer".

The 1/1/1976 Plan Document definition of Employee and Employer specifically mentions that the plan applies to "its North & Judd Division". Thus, it appears service with North & Judd Mfg. Co. and North & Judd Manufacturing Co. would apply to the North & Judd, Inc. UAW Retirement Plan. However, we are unable to find any mention in the plan file of Gulf & Western service being credited for the North & Judd plan.

You appear to have started working for North & Judd and then transferred to another Gulf & Western division. You would most likely have become a participant in the plan covering the unit into which you transferred to.

Gulf & Western was a large company with many divisions. A search in CMS for Plan Sponsor names containing "Gulf & Western" produces seven plans, all of which appear to have gone through standard terminations. One of these seven even has the same EIN, 060888767, as your last employer from the SSA Earnings listed above. Thus, it is possible that you are vested in a benefit with a Gulf & Western sponsored pension plan.

This is PBGC's formal determination that you are not entitled to a PBGC benefit. You have the right to appeal this determination if you provide a specific reason why the determination is wrong. Your appeal must be in writing and filed within 45 days of the date of this letter. If you simply have a question about this determination, you should call us for an explanation, instead of filing an appeal. But please note that the time you have to file an appeal will not be extended unless you specifically request an extension within the 45-day period. The enclosed pamphlet, *Your Right to Appeal*, explains more about filing an appeal.

If you have any questions, or need assistance, please call our Customer Contact Center at 1 (800) 400-7242. If you use a TTY/TDD, call 1 (800) 877-8339, and give the relay operator our telephone number.

You may also write to:

**Pension Benefit Guaranty Corporation
U.S. Government Agency**

PBGC/Benefits Admin & Payment Dept
P.O. Box 151750
Alexandria VA 22315-1750

When writing us, include your Social Security number, PBGC case number 18644000, and a daytime telephone number. Please keep this letter in your records for future reference.

Sincerely,

Suzana Thomas

Suzana Thomas
PVA Pension Benefit Analyst
Post Valuation Administration

Enclosure:
Your Right to Appeal

**Pension Benefit Guaranty Corporation
U.S. Government Agency**



PENSION ACTION CENTER, GERONTOLOGY INSTITUTE
JOHN W. MCCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES
UNIVERSITY OF MASSACHUSETTS BOSTON

100 Morrissey Boulevard
Boston, MA 02125-3393
P: 617.287.7307
F: 617.287.7080
www.umb.edu/pensionaction

July 9, 2012

BY CERTIFIED MAIL; RETURN RECEIPT REQUESTED

Pension Benefit Guaranty Corporation
Appeals Board
P.O. Box 151750
Alexandria, VA 22315-1750

Re: PBGC Case Number: 18644000/ North & Judd, Inc. UAW Retirement Plan
[REDACTED], Social Security No. [REDACTED]

Dear Members of the Appeals Board:

This letter constitutes an **appeal** of a determination by the Pension Benefit Guaranty Corporation ("the PBGC"), dated May 4, 2012, finding that John [REDACTED] is not entitled to a benefit from the above-described plan. A copy of that denial letter is attached as Appeal Exhibit 1. The 45-day appeal period was extended by letter dated May 14, 2012 (copy enclosed as Exhibit 2), because we were awaiting materials from the PBGC's Disclosure Officer, which we received on June 11, 2012. Therefore, this letter constitutes a timely appeal on behalf of Mr. [REDACTED].

In its determination letter of May 4, 2012, the PBGC relied upon [REDACTED]'s Detailed Earnings Statement provided by the Social Security Administration. The decision noted that Mr. [REDACTED]'s employer was variously listed by name as North & Judd Manufacturing Company, Gulf and Western Precision Engineering Company, and Gulf and Western Manufacturing Company, and was listed under 4 different EIN numbers. Based primarily upon this evidence, the PBGC denied Mr. [REDACTED]'s application for a benefit.

In making its determination, the PBGC incorrectly overlooked or failed to consider the ample evidence in the PBGC's own records that Mr. [REDACTED] did in fact work for North and Judd, which was a division of Gulf & Western, throughout the term of his employment from 1967 through 1980. Though corporate events may have caused changes from one EIN number to another, Mr. [REDACTED]'s employer remained the same, that is, North & Judd, as shall be argued and demonstrated below.

Mr. [REDACTED] worked at North and Judd, Inc. in New Britain, Connecticut, and Cromwell, Connecticut and was a member of the United Auto Workers Union for the entire period in question. We note that the Social Security Earnings show him as working at North & Judd Manufacturing in 1967 and 1968, under two different EIN numbers, then show a long period of

employment from 1969 through 1977 under EIN # **941636780**, identified by name as “Gulf & Western Precision Engineering Company.

This same EIN # **941636780** appears in the PBGC’s own premium system for the years 2009 through 2012 as “North & Judd UAW Retirement Plan”. See copy of premium history enclosed as Exhibit 3.

Moreover, the connection between Gulf & Western and North & Judd is supported by corporate documents from the New York Public Library, attached as Exhibit 4. The Wilcox-Crittenden division of North and Judd Manufacturing is described in the last paragraph of Exhibit 4 as becoming part of Gulf & Western Precision Engineering in 1971 and by 1975, a division of Gulf & Western Manufacturing. Exhibit 5 further documents this connection, showing that the “Wilcox-Crittenden Division” of North & Judd paid the 1995 premium to the PBGC for the North & Judd UAW Retirement plan, listed in 1995 under the EIN # 383154733. Furthermore, the PBGC’s denial letter of May 4, 2012, does acknowledge that North & Judd was a division of Gulf & Western Manufacturing. Corporate records from the state of Connecticut, attached as Exhibit 6, show that “Gulf & Western Manufacturing” and “Gulf & Western Precision Engineering” are different names for the same entity.

The PBGC’s premium payment history itself shows that premiums were paid for the North & Judd UAW Retirement Plan under a series of EIN numbers. From 1980 to 1983, the EIN listed for the plan was **941636780**, **the same number under which Mr. [REDACTED]’s earnings were reported for the years 1969 to 1977 and the same number listed on Exhibit 3 as relating to the North & Judd UAW Retirement Plan.** Staff of the PBGC have informed us that there is evidence that this EIN subsequently merged with EIN # **061095291**, although the documentation of this change was not provided to us by the Disclosure Officer. The plan’s 1994 premium payment filing documents that the plan’s number was changed in that year from EIN #**061095291** to EIN #**383154733**, which is the number most often associated in the PBGC’s records with the trustee terminated plan. See Exhibit 7.

Conclusion

While the corporate history and series of EIN numbers in this case present a somewhat confusing history, it is clear that Mr. [REDACTED]’s claim for vested benefits pursuant to the North & Judd UAW Retirement Plan should be granted. Mr. [REDACTED] worked at North & Judd as a member of the UAW from 1967 through 1980. Although his earnings appear under different names and different EIN numbers, all of those names and numbers can be tied to the terminated trustee North & Judd UAW Retirement Plan, as outlined above.

We note for the Appeals Board’s information that Mr. [REDACTED] has recently written to the Office of Central Operations of the Social Security Administration to request a copy of SSA Notice SSA-L99-C, the Notice of Potential Private Pension Benefit, which may further document his vested status and the plan identity. To date, he has not received a response. Should he receive a response during the pendency of this appeal, he will promptly forward it to the Appeals

Board's attention.

For the reasons discussed above, we hereby request that the Pension Benefit Guaranty Corporation reverse the decision denying Mr. [REDACTED]'s benefits, and that it calculate and pay the retirement benefit to which John [REDACTED] is entitled pursuant to the plan and ERISA.

Please direct your written response to me at: New England Pension Assistance Project, Gerontology Institute, Univ. of Massachusetts Boston, 100 Morrissey Blvd. Boston, MA 02125. Please feel free to call me at 617-287-7332 or to email me at: Jeanne.medeiros@umb.edu. if I can provide you with any further information.

Thank you for your attention to this matter.

Sincerely,


Jeanne M. Medeiros, Esq.
Managing Attorney

Enclosures:

Exhibit 1 – Denial letter from PBGC, dated May 4, 2012

Exhibit 2 – Letter extending appeal period, dated May 14, 2012

Exhibit 3 – Excerpt from PBGC's premium payment history

Exhibit 4 – Excerpt from New York Public Library

Exhibit 5 – 1995 PBGC premium payment and envelope

Exhibit 6 – Corporate records from State of Connecticut

Exhibit 7 – 1994 PBGC premium payment filing

cc: [REDACTED]



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

MAY 18 2012

May 14, 2012

Jeanne M. Medeiros, Esquire
New England Pension Assistance Project
University of Massachusetts Boston
100 Morrissey Boulevard
Boston, MA 02125

Re: ER-2012-144; John Moore; Case No. 186440; North & Judd, Inc.
UAW Retirement Plan ("Plan")

Dear Ms. Medeiros:

This is in reply to your May 9, 2012 request, filed on PBGC Form 723, for an extension of time to file an appeal on behalf of your client, John [REDACTED]. Your request concerns PBGC's May 4, 2012 determination that Mr. [REDACTED] is not entitled to a PBGC benefit under the Plan.

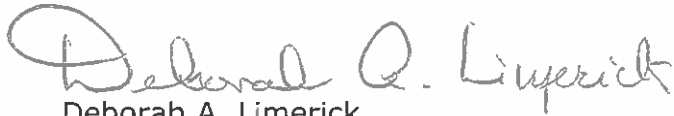
You stated in part: ". . . we have sent for premium payment history for the North & Judd UAW Retirement Plan 383154733-01 and North & Judd UAW Retirement Plan 941636780-113 from the PBGC FOIA Officer . . . We have also suggested that our client sign and send for Form SSA-L99-C1 from the Social Security Administration . . . There is additional information that we are seeking from the UAW Local 376 and the International UAW which may take some time."

You are granted an extension of time of 45 days from the date of the PBGC's Disclosure Officer's letter to you (responding to your request for information) in which to file an appeal on behalf of your client. Please note, prior to the expiration of this time, you may, if necessary, request an additional extension of time. Furthermore, your appeal filing must specifically explain why you believe PBGC's determination is wrong and the results you are seeking.

EXHIBIT 2

If you or your client have any questions concerning your filing extension, you may write to me at the address shown above, or call me at 1-800-400-7242 (extension 4090). I also can be contacted by fax on 202-326-4095, or via the Internet at appeals@pbgc.gov. If you use a TTY/TDD, call toll-free 1-800-877-8339, and give the communications assistant the Appeals Board's toll-free number.

Sincerely,

A handwritten signature in dark ink, reading "Deborah A. Limerick". The signature is written in a cursive style with a large initial "D".

Deborah A. Limerick
for The Appeals Board

cc: PBGC Disclosure Officer
John Moore

Internal Use Only

Report ID : RBR110
 Report Date : 05/24/2012
 Report Time : 13:03:10

PBGC - PREMIUM SYSTEM
 ACCOUNT HISTORY
 AS OF:

Page No : 1 Of 1

EIN/PN: 941636780/113

PLAN NAME: NORTH & JUDD UAW RET PLAN

ADDRESS: 699 MIDDLE ST MIDDLETOWN CT 064570000

Plan Status: Inactive

PLAN YEAR	PCOUNT	PREMIUM TYPE	DUE DATE	RATE	From	To	PREMIUM DUE	INTEREST DUE	PENALTY DUE	TOTALS
Interest is compounded daily. Interest rates are as follows.										
From	To		Rate		From	To		Rate		
04/01/2012	06/30/2012		0.03		01/01/2012	03/31/2012		0.03		
10/01/2011	12/31/2011		0.03		07/01/2011	09/30/2011		0.04		
04/01/2011	06/30/2011		0.04		01/01/2011	03/31/2011		0.03		
10/01/2010	12/31/2010		0.04		07/01/2010	09/30/2010		0.04		
04/01/2010	06/30/2010		0.04		01/01/2010	03/31/2010		0.04		
10/01/2009	12/31/2009		0.04		07/01/2009	09/30/2009		0.04		
04/01/2009	06/30/2009		0.04		01/01/2009	03/31/2009		0.05		

EXHIBIT 3

Ref. 50. Page 2.

This company made nautical hardware. The company is still in operation but not in Middletown, CT. They made a few tools among them were caulking irons and yacht scrapers. Some of the buildings used by this company are or are in the process of being converted into condominiums. The buildings are located in the South Farms district on South Main Street. The 1878 city directory has the company at 4 South Main Street.

William Walter Wilcox and Ira K. Penfield lived on South Main Street a few blocks away from the factory. Ira lived at 51 South Main in a house built in 1854. Ref. 30.

A brief history.

The company was started by Eldridge H. Penfield and his uncle Ira K. Penfield in 1848 to manufacture metal sail grommets. William W. Wilcox was an employee. This lasted two years. Eldridge H. Penfield left and William W. Wilcox invested and the company became Penfield & Wilcox. I.K. Penfield retired in 1859 and Joseph Hall, JR. joined. The company was called Wilcox & Hall. Hall retired in 1867 and in 1869 three partners were added, Albert R. Crittenden, E. Bound Chaffee, and Homer Churchill. The company was called Wilcox-Crittenden & CO. It became a division of North & Judd about 1961. By 1971 it was a Gulf & Western company and by 1975 a division of Gulf & Western Manufacturing Company. Thetford Corporation purchased the company in 2003. This company is in Middletown, RI.

Here is a line for the Wikipedia information on this firm.

[http://en.wikipedia.org/wiki/Wilcox, Crittenden Mill](http://en.wikipedia.org/wiki/Wilcox,_Crittenden_Mill)

The story of Wilcox-Crittenden is interesting. It started with a small metal grommet and grew to the largest manufacturer on nautical hardware in America.

E. H. & I. K. Penfield. 1848-49 Eldridge Penfield and uncle Ira Penfield

Penfield & Wilcox. 1850-59 Ira Penfield and William W. Wilcox

Wilcox & Hall. 1859-67 Joseph Hall, Jr.

Wilcox, Crittenden & Company. 1869- 1961 Albert R. Crittenden, E. Bound Chaffee, and Homer Churchill.

A Division of North & Judd 1961-71

EXHIBIT 4

A Gulf + Western Precision Engineering Company

1971-75

A division of Gulf + Western Manufacturing Company.

1975-2003

Thetford Corporation 2003-Present.

From Mystic Seaport, Ct.

<http://library.mysticseaport.org/manuscripts/coll/coll231.cfm>

History of Wilcox, Crittenden & Co.

In 1847, Middletown was New England's largest inland port, and it was in that year the company that would become Wilcox, Crittenden & Co., Inc. was established. According to the centennial history of the company, it was in Ben Butler's sail loft in Middletown that Eldridge Penfield first conceived of developing a metal grommet (later to be called the sail eyelet grommet) to replace the rope grommets that were currently being used by sailmakers.

In partnership with his uncle, Ira Penfield, Eldridge Penfield formed the firm of E. H. & I. K. Penfield. The business was opened in a small building at the rear of the property located at Main and William Street in Middletown, and was the first company in America to produce metal grommets. The first grommets were stamped out using hand presses which were operated by the partners and by William Walter Wilcox, whom they had hired.

For the next two years, Penfield tried to market the new grommets by utilizing traveling salesmen who brought and sold on consignment and kept most of the profits. After this unsuccessful period, Eldridge Penfield sold out his interest to Ira Penfield, and Wilcox invested his savings and became a partner in the new firm called Penfield & Wilcox.

By using more direct marketing techniques, Wilcox was able to overcome the opposition that developed on the part of journeymen sailmakers who feared that the use of the new grommet would reduce the need for their services. The company prospered and added other items to their inventory based on the needs of sailmakers. In 1857, Wilcox invented and patented a new and improved grommet made in three parts which was even more successful than the original device. He also invented a round-edged sail thimble which replaced the iron, sharp-edged thimble previously in use.

The partnership of Penfield & Wilcox was dissolved circa 1859, when Ira Penfield retired. Wilcox moved the business and took into partnership Joseph Hall, Jr. of Portland, CT and formed the firm of Wilcox & Hall, which continued until 1867 when Hall retired and

sold his interest to Wilcox.

In 1869, Wilcox formed a partnership with three of the younger men of his organization, Albert R. Crittenden, E. Bound Chaffee, and Homer Churchill. Crittenden purchased a tenth interest in the business for \$5,000, and name of the firm was changed to Wilcox, Crittenden & Company.

In the maritime world, steam was gradually replacing sail, and the company's 1870 catalog offered such varying products as shackles, thimbles, ring bolts, "Ereful whistles," engine-room signals, boat nails "of good Swede's steel heavily galvanized," and cotton hooks "New Orleans pattern." A new outlet for sailmakers was in manufacturing awnings and the company began stocking awning hardware as well. In 1883, Wilcox developed an improved brass grommet (which became known as the spur grommet), secured its approval as standard equipment by the British Admiralty, and eventually it was adopted by all the leading navies of the world. By the late 1880's, Wilcox, Crittenden & Company had become the largest manufacturers of marine hardware with the most diversified line in the United States.

The company survived a fire in 1907 which destroyed a large portion of the plant. They maintained during the World Wars and the Depression and by 1961, Wilcox, Crittenden & Co., Inc. was a division of North & Judd Manufacturing Co. By 1971 it was a Gulf + Western Precision Engineering Company, and by 1975, a division of Gulf + Western Manufacturing Company.

Caulking iron with logo.





North & Judd, Inc.
Wilcox-Crittenden Division
699 Middle Street, Middletown, Conn-06457

North & Judd
Hook-Flex
Con-Torg
Wilcox-Crittenden

CERTIFIED

Z 748 179 496

MAIL



19170

U.S. POSTAGE
PAID
EAST BRIDGE, IN. CT
05023
MAY 18, 95
AMOUNT

\$2.75
00078020-03

**RETURN RECEIPT
REQUESTED**

Pension Benefit Guaranty Corporation
P. O. Box 7247-7426
Philadelphia, PA 19170-7426

EXHIBIT 5



699 Middle St.
Middletown, Ct 06457
Tel. # (203) 632-2600
Fax # (203) 632-1436

Shawmut Bank, Connecticut, N.A.
Hartford, Connecticut

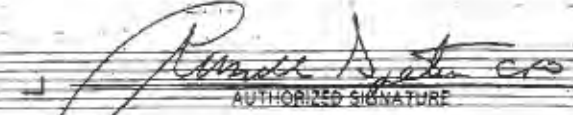
CHECK NO.	MO	DATE DAY	YR
71000	05	18	95

DOLLARS	CENTS
**27,006	.60

PAY *****27,006 DOLLARS *****60 CENTS

TO
THE
ORDER
OF

PENSION BENEFIT GUARANTY CORPORATION
P.O. BOX 7247-7426
PHILADELPHIA, PA 19170-7426


AUTHORIZED SIGNATURE

⑈071000⑈ ⑆011900445⑆ 48910⑈

Name Change History

Business Id

0082785

Business Name

GULF & WESTERN MANUFACTURING COMPANY (EASTERN GROUP)

Old NameGULF & WESTERN MANUFACTURING
COMPANY (SYSTEMS)**Filing Number**

0000988040

Date

Jul 11, 1973

GULF & WESTERN PRECISION
ENGINEERING COMPANY

0000988041

Apr 06, 1973

[Back](#)

EXHIBIT 6

1994

Annual Premium Payment

For Plan Years Beginning In Calendar Year 1994
Check for Amended Filing ☐ (see instructions)Check for Disaster Relief ☐ (see instructions)

Approved OMB 1212-0008

RV9401

Photocopies of this
form may not be filed.

See the 1994 Premium Payment Package for the instructions for Form 1

1. PLAN SPONSOR

Check for address change ☐

NORTH & JUDD, INC.

Name

699 MIDDLE STREET

Address

MIDDLETOWN

City

CT

State

06457

Zip

Country if not USA

2. PLAN ADMINISTRATOR

Check for address change ☐Check if same as plan sponsor and go to item 3 ☒

Name

Address

City

State

Zip

Country if not USA

3. EIN/PN

(a) Enter 9-digit EIN

3 8 3 1 5 4 7 3 3

(b) Enter 3-digit PN

0 0 1

(c) Does EIN/PN match entry on 1993 Form 5500? ☐ Yes ☒ No If no, attach explanation, check box in item 19, and

enter EIN/PN from 1993 Form 5500:

0 6 1 0 9 5 2 9 1 0 0 1

(d) Has a plan transferred any assets or liabilities to this plan during this or the prior premium payment year?

☒ No ☐ Yes If yes, give EIN/PN of each transferor plan and date of transfer, and indicate whether it is a merger (M), consolidation (C), or spinoff (S).

Transferor's EIN/PN

Transfer Date

Transfer Type

[] [] [] [] [] [] [] [] []

[] []

M M D D Y Y Y Y

M C S
☐ ☐ ☐

[] [] [] [] [] [] [] [] []

[] []

M M D D Y Y Y Y

M C S
☐ ☐ ☐

(If more than 2, attach a separate sheet that lists the additional EIN/PNs, dates, and transfer types, and check the box in item 19.)

4. If the EIN/PN in item 3(a) and (b) above is NOT the same as on prior premium filing, enter both prior EIN and prior PN.

(a) Prior Employer ID Number (EIN)

(b) Prior Plan Number (PN)

(c) Effective Date of Change

[] [] [] [] [] [] [] [] []

[] [] []

M M D D Y Y Y Y
[] [] [] [] [] [] [] []

5. PLAN COVERAGE STATUS (check one)

(a) ☒ Covered (b) ☐ Uncertain (If uncertain, you must file. See instructions.)

6. FILING STATUS: (Check applicable)

(a) First Plan Filing: ☒ No ☐ Yes(b) Terminated Plan: ☒ No ☐ Yes If yes, enter applicable date.(1) Date assets
distributedM M D D Y Y Y Y
[] [] [] [] [] [] [] [](2) Date trustee appointed
under ERISA section 4042M M D D Y Y Y Y
[] [] [] [] [] [] [] []

7. PLAN DATES

If you check Yes in item 6(a), complete this section:

(a) Plan effective date

M M D D Y Y Y Y
[] [] [] [] [] [] [] []

(b) Plan adoption date

M M D D Y Y Y Y
[] [] [] [] [] [] [] []

(c) Plan coverage date

M M D D Y Y Y Y
[] [] [] [] [] [] [] []

8. INDUSTRY CODE

3 4 6 0 (enter 4 digits)

continue on reverse

456787
15465 593



PENSION ACTION CENTER, GERONTOLOGY INSTITUTE
JOHN W. MCCORMACK GRADUATE SCHOOL OF POLICY AND GLOBAL STUDIES
UNIVERSITY OF MASSACHUSETTS BOSTON

100 Morrissey Boulevard
Boston, MA 02125-3393
P: 617.287.7307
F: 617.287.7080
www.umb.edu/pensionaction

July 23, 2012

**BY FAX TO 202-326-4095 AND BY CERTIFIED
MAIL; RETURN RECEIPT REQUESTED**

Deborah A. Limerick
Pension Benefit Guaranty Corporation
Appeals Board
P.O. Box 151750
Alexandria, VA 22315-1750

Re: Appeal 2012-1690; [REDACTED]; PBGC Case Number: 18644000/ North & Judd,
Inc. UAW Retirement Plan

Dear Ms. Limerick and Members of the Appeals Board:


This letter includes additional evidence not available when this office filed the instant appeal on behalf of John [REDACTED]. Please add these documents to the record as Exhibit 8.

We have received additional documentation from the PBGC Disclosure Officer which supports our argument that the PBGC's premium payment history itself shows that premiums were paid for the North & Judd UAW Retirement Plan under a series of EIN numbers. From 1980 to 1983, the EIN listed for the plan was **941636780**, the same number under which Mr. [REDACTED]'s earnings were reported for the years 1969 to 1977 and the same number listed on Exhibit 3 as relating to the North & Judd UAW Retirement Plan. The evidence submitted herein also documents the fact that this EIN # was changed to **061095291**, and premiums were paid for the North and Judd UAW Retirement Plan under that number for the years 1983 through 1994.

As noted in our appeal letter of July 9, 2012, the plan's 1994 premium payment filing documents that the plan's number was changed in that year from EIN #**061095291** to EIN #**383154733**, which is the number most often associated in the PBGC's records with the trustee terminated plan. See Exhibit 7, previously submitted.

Thank you for your attention to this matter.

Sincerely,


Jeanne M. Medeiros, Esq.
Managing Attorney

Enclosures



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

FOIA 2012-3914

July 10, 2012

Jeanne M. Madeiros, Esquire
Pension Action Center, Gerontology Institute
University of Massachusetts, Boston
100 Morrissey Boulevard
Boston, MA 02125-3393

Re: Premium History for North & Judd UAW Retirement Plan
EIN #s 061095291 and 941636780

Dear Ms. Madeiros:

I am responding to your Freedom of Information Act (FOIA) request, dated June 15, 2012, concerning the above-captioned subject. You requested any and all documents related to the premium payment history of the North & Judd UAW Retirement Plan, under the EIN # 06109529, for the years 1983 through 1994. You also requested premium payment history by that plan under the EIN # 941636780 for the years 1980 through 1983.

Pursuant to your request, I am enclosing copies of the EIN History and Financial Summaries related to the premium payment history of the North & Judd UAW Retirement Plan under the EIN # 06109529, for the years 1983 through 1994; and under the EIN # 941636780 for the years 1980 through 1983.

Please note, the enclosed information reflects data that was migrated several times and consolidated through various applications. Thus, there may be input errors contained in this data.

I hope the enclosed records prove beneficial. All fees associated with processing this request have been waived.

Sincerely,

E. William FitzGerald
Disclosure Officer

EXHIBIT 8

Enclosure

JUL 16 2012

Financial Summary

EIN: 061095291 PN: 001

Batch No	Seq No	Trans Type	F1 Ty	Check Amount	Filing Date	PYC Date	PYE Date	Part Count	Plan Type
17371503	016	FORM-1		\$30,528.00	14-APR-1994	01-AUG-1993	31-JUL-94	424	SE
17371302	050	FORM-1		\$24,367.00	12-APR-1993	01-AUG-1992	31-JUL-93	427	SE
17371203	019	FORM-1		\$17,340.42	09-APR-1992	01-AUG-1991	31-JUL-92	438	SE
17371103	009	FORM-1		\$18,186.00	31-MAR-1991	01-AUG-1990	31-JUL-91	459	SE
17371205	037	FORM-1		\$19,317.32	02-APR-1990	01-AUG-1989	31-JUL-90	473	SE
17371502	025	FORM-1	B	\$12,303.00	06-APR-1989	01-AUG-1988	31-JUL-89	476	SE
17371806	003	SOA PAYMENT		\$1,038.96	19-APR-1991	01-AUG-1987	31-JUL-88	0	
21370602	025	FORM-1		\$4,250.00	26-JUN-1988	01-AUG-1987	31-JUL-88	500	SE
11370102	013	FORM-1	B	\$4,054.50	16-SEP-1986	01-AUG-1986	31-JUL-87	477	SE
18371303	007	FORM-1		\$1,328.60	04-MAY-1986	01-AUG-1985	31-JUL-86	511	SE
22502800	002	REFUND		\$582.81	10-AUG-1990	01-JAN-1985	31-DEC-85	0	
16370602	017	FORM-1		\$1,398.80	21-FEB-1985	01-JAN-1985	31-DEC-85	538	SE
17911901	011	SOA CORR		\$73.56	20-APR-1985	01-JAN-1984	31-DEC-84	0	SE
17911901	010	F1 NEG		\$73.56	10-APR-1985	01-JAN-1984	31-DEC-84	538	SE
15370332	009	FORM-1		\$73.56	21-JAN-1985	01-JAN-1984	31-DEC-84	538	SE
21371635	023	FORM-1		\$1,352.00	09-JUL-1984	01-JAN-1984	31-DEC-84	538	SE
22370226	046	FORM-1		\$1,479.40	18-JUL-1983	01-JAN-1983	31-DEC-83	569	SE
21371602	063	FORM-1		\$1,385.80	08-JUL-1982	01-JAN-1982	31-DEC-82	533	SE
19371103	027	FORM-1		\$1,385.80	31-MAY-1981	01-JAN-1981	31-DEC-81	533	SE
21372120	054	FORM-1		\$1,580.80	15-JUL-1980	01-JAN-1980	31-DEC-80	608	SE

Financial Summary

EIN: 941636780 PN: 113

Seq		F1		Filing		Part		Plan	
Batch No	No	Trans	Type	Ty	Check Amount	Date	PYC Date	PYE Date	Count Type
22370226	046	FORM-1			\$1,479.40	18-JUL-1983	01-JAN-1983	31-DEC-83	569 SE
21371602	063	FORM-1			\$1,385.80	08-JUL-1982	01-JAN-1982	31-DEC-82	533 SE
19371103	027	FORM-1			\$1,385.80	31-MAY-1981	01-JAN-1981	31-DEC-81	533 SE
21372120	054	FORM-1			\$1,580.80	15-JUL-1980	01-JAN-1980	31-DEC-80	608 SE

Search EIN: 061095291

EIN HISTORY

Search PN: 001

C = Consolidate
S = Spin off
M = Merge
N = New FIN/PN

SUBSEQUENT EIN

Search PYC	New FIN	New PN	New PYC	Date Change Effective	C	S	M	N
	000000000	000						
01-AUG-93	383154733	001	01-AUG-94					YY

PRIOR EIN

Search PYC	Old EIN	Old PN	Old PYC	Date Change Effective	C	S	M	N
	941636760	113						

User Manual

<< Previous Screen

JUL 16 2012



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

JUL 15 2013

July 10, 2013

Janet M. Maderios, Esq.
New England Pension Assistance
University Of Massachusetts, Boston
Boston, MA 02125

Re: Mr. [REDACTED], Appeal 2012-1690, PBGC Case Number 186440
North & Judd, Inc. UAW Retirement Plan (the "Plan")

Dear Ms. Madieros:

We are responding to your appeal of PBGC's May 4, 2012 determination that Mr. John [REDACTED] is not entitled to a Plan benefit. As explained below, we are granting your appeal. Mr. [REDACTED] is entitled to a Plan benefit that would have provided \$134.21 per month if paid as a Straight Life Annuity starting at age 65 (April 1, 2006). The \$134.21 benefit will be actuarially adjusted to a Benefit Commencement Date of either August 1, 2011 or April 1, 2012.

Background

Mr. [REDACTED] was born March 31, 1941. Effective January 1, 1967, **North & Judd Manufacturing Co.** adopted the Plan as a continuation of a prior profit sharing plan. At times during the years 1967-1980 and in 1985, Mr. [REDACTED] worked for members of the controlled group of corporations of North & Judd Manufacturing Co. and its corporate successors. Also:

(1) In 1968, North & Judd Manufacturing Co. became a division **Gulf & Western Manufacturing Co.**

(2) When paying PBGC premiums during the years 1980-1983, Plan administrators identified the Plan sponsor as Gulf & Western Manufacturing Co. and gave EIN (Employer Identification Number) **941636780**.

(3) For the years 1980-1994, PBGC's premium records show the new EIN **061095291** and the new name **North & Judd, Inc.** (Thus, premium records show two EINs for 1980-1983.) Effective January 1, 1983, the Plan's definition of Employer changed from North & Judd Manufacturing Co. to North & Judd, Inc.

(4) When reporting his 1985 Social Security earnings, Mr. [REDACTED]'s most significant employer identified itself using EIN 061095291, the same as was being used to pay PBGC premiums.¹

(5) In July 1994, North & Judd, Inc. changed: (i) its name to **NJ Real Estate, Inc.**, and (ii) its EIN from 061095291 to **383154733**. However, as late as 1996, in a Plan record (a Form 5500) under the new EIN, the Plan continued to use the sponsor's prior name, North & Judd, Inc.

(5) Effective June 15, 1998, the Plan terminated without assets sufficient to provide all benefits. Under the pension law ERISA, PBGC became the Plan's trustee.

In July 2011, Mr. [REDACTED] contacted PBGC about a pension. PBGC provided him a Plan Participation Information ("PPI") form, which he completed in August 10, 2011. He recalled:

- His employer was "Gulf & Western -> North & Judd."
- He was a member of the UAW.
- His employment records were lost in a fire in his home.

He subsequently gave PBGC permission to obtain his 1967-1998 earnings history from the Social Security Administration ("SSA").

PBGC's May 4, 2012 Determination

PBGC agreed to use Mr. [REDACTED]'s SSA earnings with North & Judd Manufacturing Co., for 1967-1969.

However, his SSA earnings for 1969-1980 are with employers:

- whose EINs differ from the sponsor's EIN at Plan termination (383154733), and
- who are all named now in SSA records as either: (i) Gulf & Western Precision Engineering Co., or (ii) Gulf & Western Manufacturing Co.

PBGC stated it found no reason that Gulf & Western employment might be useable under the Plan. PBGC concluded those 1969-1980 SSA earnings, shown as at Gulf & Western Precision Engineering Co. and Gulf & Western Manufacturing Co., are not useable under the Plan.

PBGC also explained the Plan required at least 10 years of service for a benefit to be vested. It was impossible to earn 10 years of service during the useable-earnings years PBGC had acknowledged, 1967-1969. PBGC concluded Mr. [REDACTED] is not entitled to a Plan benefit.

¹ Social Security records for Mr. Moore's 1985 earnings under EIN 061095291 now show the new corporate name NJ Real Estate, a name that was adopted in 1994.

Your July 9, 2012 Appeal

You questioned PBGC's disallowance of 1969-1977 employment based on SSA earnings under EIN 941636780. You noted the Plan's sponsor used that EIN to pay PBGC premiums in later years.

For the years 1969-1980, you also questioned PBGC's disallowance of employment because his employer is now identified in SSA records with Gulf & Western names. You argue North & Judd was part of Gulf & Western's controlled group of corporations.

You concluded PBGC should use all of the employment associated with the 1967-1980 SSA earnings that are summarized in PBGC's May 4, 2012 determination letter.

Summary of Our Decision

Unusual Employment History Reasonably Explains Overlooked Benefit

Mr. [REDACTED]'s employment is unusual because the Plan sponsor's name and EIN changed several times, and his service was interrupted several times.² It is not unusual for a pension plan's administrator to overlook pension-service data as fragmented as Mr. [REDACTED]'s. For these reasons for some other individuals, PBGC has already used SSA earnings data such as Mr. [REDACTED]'s to establish entitlement to a Plan benefit.

No Evidence That Benefit Might Have Been Paid In a Lump Sum

As explained below, we likewise found Mr. [REDACTED]'s SSA earnings, combined with his statements and prior PBGC practices on similarly-situated participants, as evidence that he earned a Plan benefit. Moreover, neither PBGC nor the Appeals Board found any evidence that any Plan benefits were cashed out in a lump sum.

Discussion

The Plan's Definition of Employer

The Plan defines Employer to include:

"Gulf & Western Manufacturing Company for its North & Judd Division; or in the event of the sale of its North & Judd Division, the successor corporation acquiring the assets of North & Judd Division, North & Judd Inc. and any legal successor thereof."³

² We summarize his SSA EIN data in Appendix 1 to this letter. We also explain in this letter that the employer names associated with an EIN in his SSA data is sometimes a name that was: (i) adopted after his employment ended (e.g. with NJ Real Estate), or (ii) reported by his employer's parent company at the time (Gulf & Western Manufacturing Co.).

³ See section 1.9 of the Plan document at Enclosure 3.

1967-1980 and 1985 Employment Are Useable

The 1967-1980 earnings that PBGC's determination summarized, and the 1985 earnings we described on page 1 were reported by:

- (1) North & Judd Manufacturing Co. (1967-1969), or
- (2) its corporate parent, Gulf & Western Manufacturing (1969-1980), or
- (3) North & Judd, Inc., North & Judd Manufacturing Co.'s corporate successor and Plan sponsor(1985). ⁴

The earnings (1)-(3) are most reasonably interpreted as being with a single employer that sometimes filed reports (SSA earnings, PBGC premiums, or Form 5500) under a parent corporation's EIN or under a new or obsolete corporate name. We concluded the following earnings show employment with the Plan's Employer:

- (i) 1967-1969 SSA earnings with North & Judd Manufacturing Co., the Plan's sponsor at the time,
- (ii) 1969-1977 SSA earnings under EIN 941636780, the EIN that North & Judd Inc.'s corporate parent (Gulf & Western Manufacturing) used to pay PBGC premiums for the Plan,
- (iii) 1977-1980 SSA earnings under EIN 060888767, another EIN that Gulf & Western Manufacturing Co. used, and
- (iv) 1985 SSA earnings under EIN 061095291 with North & Judd, Inc. (subsequently named NJ Real Estate).

Likewise, PBGC has already agreed for some other participants that earnings under the EIN's in (ii)-(iv) are useable for calculating benefits under the Plan. Moreover, we found earnings under EIN 060701087 (Con Torq Inc.) are usable under the Plan. ⁵ Therefore, we are using employment based on using Mr. [REDACTED]'s 1967-1968 Con Torq earnings (totaling \$1,296) for determining his pension service.

100% Vested Based On At Least 10 Years Entitlement Service

The Plan defines Service for entitlement as the total period of employment with the Employer or any predecessor of the Employer or the Employer's controlled group of corporations. An Employee earns service during any absence if he returns within 12 months.

⁴ The 1985 earnings under EIN 061095291 were with the Plan sponsor North & Judd, Inc., notwithstanding that SSA records now reflect a subsequent name change, to NJ Real Estate in 1994.

⁵ Con Torq Inc. had been created as a division of North & Judd Manufacturing Co., according to a 1971 newspaper report. You provided a North & Judd, Inc. envelope that shows in May 1995, long after Gulf and Western had divested North & Judd, Con Torq was still affiliated with North & Judd Inc.

Moreover, an Employee earns service on layoff until the earlier of 4 years or when he refuses an offer to return to work.⁶

During his 15 years of employment with the Plan's Employer (1967-1980 and 1985), his earnings show Mr. [REDACTED] had only 2 absences of more than 1 year (during 1973-1974 and during 1980-1985). Thus, he easily earned the 10 years of service needed for a 100%-vested benefit.⁷

11.93 Years Credited Service For Calculating His Benefit Amount

Mr. [REDACTED]'s benefit amount is based on his Credited Service. The Plan's Credited Service rules are as follows:

- For periods before January 1, 1972, Credited Service is measured from the most recent hire date. Our research shows such pre-1972 service was measured in months and expressed in years rounded to 2 decimal places.
- Beginning January 1, 1972, Credited Service is based on hours worked during a year. One (1) full year of Credited Service is granted for each calendar year with at least 1,700 hours of work. Credited Service was rounded to the nearest 1/10 of a year.⁸

\$134.21 Normal Retirement Benefit

Using the Plan rules summarized immediately above, and using Mr. [REDACTED]'s SSA earnings and SSA's National Average Wage Index data, we estimated his Credited totaled 11.93 years. See Appendix 2 to this letter. Using the Plan benefit formula in effect in 1985, we calculated his normal retirement benefit provided \$134.21⁹ per month if paid as a Straight Life Annuity starting April 1, 2006 (age 65).

After a benefit commencement date ("BCD") is selected for Mr. [REDACTED], PBGC will:

- actuarially increase the \$134.21 amount from April 1, 2006 to the BCD, and
- pay the increased amount retroactive to the BCD, plus interest on retroactive payments.

⁶ See the definition of Service in section 1.18(c) in Enclosure 3 to this letter.

⁷ See the summary of relevant SSA earnings in Appendix 1 to this letter.

⁸ Credited Service rules are in section 1.18 of Enclosure 3 and on page 90 of Enclosure 4.

⁹ 11.93 years x \$11.25 rate for employment terminating in 1985. See the Plan benefit worksheet of a similarly-situated participant at Enclosure 5.

Benefit Commencement Date

PBGC's Authorized Plan Representative will contact Mr. [REDACTED] about starting his pension. He will be given 45 days to choose to one of the following benefit commencement dates:

- August 1, 2011, the first day of the month after he first contacted PBGC, or
- April 1, 2012, his Required Beginning Date under the law.¹⁰

He and his wife, if he is married, will also be allowed to choose his annuity form. If they choose a Straight Life Annuity effective April 1, 2012, then his pension will provide approximately \$235.67¹¹ per month.

If Mr. [REDACTED] does not choose his benefit commencement date within 45 days after being contacted by PBGC's Authorized Plan Representative, then PBGC will use his April 1, 2012 Required Beginning Date.

If he has any question about his benefit, then he may contact PBGC's Authorized Plan Representative at 1-800-400-7242.

Decision

Having applied Plan provisions to the facts in this case, we are granting your appeal. Mr. [REDACTED] is entitled to a Plan benefit that would have provided \$134.21 per month if paid as a Straight Life Annuity starting at age 65 (April 1, 2006). The \$134.21 benefit will be actuarially adjusted to a Benefit Commencement Date of either August 1, 2011 or April 1, 2012.

This letter concludes Mr. [REDACTED]'s administrative remedies with respect to PBGC's May 4, 2012 determination. He may, if he wishes, seek U.S. District Court review of PBGC's determination with respect to the issues you raised. Thank you for your patience while we carefully reviewed your appeal.

Sincerely,

William D. Ellis

William D. Ellis
Appeals Board Member

Appendix 1: SSA Earnings Showing Employment Usable Under the Plan

Appendix 2: Estimated Credited Service Based On SSA Earnings

¹⁰ His Required Beginning Date is the April 1 following when he reached age 70 1/2 (on September 30, 2011). IRC section 401(a)(9)(C)(i) applies.

¹¹ \$134.21 {age-65 benefit} x 1.756 {72 months late commencement}