



Michael G. Morash
Chairman

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T. Warren Fairley
Secretary

John J. Skermont
Assistant Secretary

July 1, 2010

Cary Schwimmer
Law Offices of Cary Schwimmer
1922 Exeter, Suite 5
Germantown, TN 38138

Re:

Boilermaker-Blacksmith National Pension Trust
Notification of Benefit Determination on Review of Appeal

Dear Mr. Schwimmer:

As you are aware, your appeal on behalf of Mr. [redacted] regarding the denial of his Early Retirement Pension due to a lack of separation from service was presented to the Boilermaker-Blacksmith National Pension Trust Appeals Committee at its June 29, 2010 meeting. After consideration of all the facts and documentation, the Appeals Committee approved this portion of your appeal.

Your appeal regarding the denial of Mr. [redacted] request for an earlier Annuity Starting Date was denied. The specific reason your appeal was denied is because the November 1, 2009 requested Annuity Starting Date was not properly established.

The Pension Department will process Mr. [redacted] Early Retirement Pension Application and pay him pension benefits based on an Annuity Starting Date of December 1, 2009.

The denial was based on the following Plan provision:

Plan Document:

Twelfth Restatement of the Pension Plan (effective October 1, 2009):

Section 1.01. Annuity Starting Date.

- (a) **Generally.** The Annuity Starting Date is the first date for which benefits first become payable and shall be the first day of the first calendar month starting after the applicant has fulfilled all of the conditions for entitlement to benefits, including the submission of a completed application for benefits, unless it is deferred by the applicant's election. Notwithstanding the foregoing,

- (1) The establishment of an Annuity Starting Date under this Plan shall also be subject to the other requirements set forth in this Section 1.01, and to the spousal consent requirements set forth in Article VI of the Plan; and
- (2) Effective October 1, 2006, the Annuity Starting Date established with respect to an application that is filed (or postmarked) on or after the fifteenth day of the month shall in no event be earlier than the first day of the second calendar month following the month in which the application was filed or postmarked.

The Board of Trustees has a legal responsibility to consistently follow Plan provisions. Therefore, it is the Trustees' position that the November 1, 2009 requested Annuity Starting Date was not properly established according to the above Plan provisions. The Fund Office received your properly completed Pension Application with a postmark date of October 15, 2009, which established an Annuity Starting Date of December 1, 2009.

You are entitled to receive, upon written request addressed to the Executive Administrator of the Boilermakers National Funds and free of charge, reasonable access to and copies of all documents, records and other information relevant to your claim for benefits.

Furthermore, if you believe this partial denial is not in accordance with the law, the Plan provisions, or otherwise improperly decided, you have the right to bring a civil action under Section 502(a) of the Employee Retirement Income Security Act ("ERISA").

Sincerely,

A handwritten signature in cursive script that reads "Richard Calcara". The signature is written in black ink and is positioned below the word "Sincerely,".

Richard L. Calcara
Executive Administrator