

Pension Benefit Guaranty Corporation

75-56

July 22, 1975

REFERENCE:

[*1] 4043(b)(3) Reportable Events. Decrease in Participants

OPINION:

This is in response to your letter of July 9, 1975 in which you requested an interpretation of the term "active participants" in Section 4043(b)(3) of the Employee Retirement Income Security Act of 1974 ("the Act"). You specifically asked whether such term includes retirees, terminated employees with vested rights, disability retirees or active employees who, by reason of age and/or service, were ineligible to become participants in a pension plan. You previously discussed this question with * * * of my staff, and this letter confirms what he told you, viz., that the term "active participants" in Section 4043(b)(3) of the Act does not include retirees, terminated employees with vested rights, disability retirees or active employees who, by reason of age and/or service, were ineligible to become participants in a pension plan.

Henry Rose
General Counsel