

Pension Benefit Guaranty Corporation

86-19

August 26, 1986

REFERENCE:

[*1] 4221(e) Resolution of Disputes. Employer Information Request

OPINION:

This responds to your request that the Pension Benefit Guaranty Corporation (PBGC) review certain actions that you believe are in violation of the Multiemployer Pension Plan Amendments Act (MPPAA). Specifically, you allege that a multiemployer pension plan is acting unreasonably and in violation of section 4221(e) of MPPAA by demanding payment of eleven hundred dollars before computing your client's potential withdrawal liability.

Section 4301(a) of MPPAA provides a right of civil action for any party adversely affected by another party's actions or omissions under MPPAA's provisions. Ordinarily, the PBGC does not become involved in disputes where this remedy is available. Further, in your situation, a court may be in a better position than the PBGC to evaluate the reasonableness of the pension plan's position.

If you have further questions, please contact the attorney handling this matter, John Foster, of the PBGC's Corporate Policy and Regulations Department. His telephone number is 202-956-5050.

Edward R. Mackiewicz
General Counsel