

#1763951



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

April 28, 2004



Re: Case Number 195240
LTV Steel Hourly Pension Plan (the "Plan")

Dear

The Appeals Board has reviewed your appeal of PBGC's March 31, 2004 determination of your benefit. Your benefit is a \$525.00 semi-annual temporary life annuity ending June 1, 2004. As explained below, we are denying your appeal.

Your Appeal

In your April 5, 2004 letter you asked PBGC to consider your financial hardship. You stated your husband was a faithful employee for 32 years until he died on June 7, 1972. You also stated you are 75 years old, diabetic and cannot work. You depend on the semi-annual payments you receive and feel you deserve some type of pension.

Please see *The Law* below.

Plan Provisions

The Plan did not provide you a survivor's benefit when your late husband, died in 1972. LTV started paying certain survivor benefits from LTV funds from 1994 through 1998, under a 1994 Collective Bargaining Agreement.

Effective in 1999, the Plan was amended to pay as below to the widow "of a Participant who died prior to July 31, 1974 after completing at least 15 years of Continuous Service." See Enclosure 1.¹

¹ Section 4.5(a), "Special Payment to Certain Surviving Spouses." Section 4.5(a) was adopted November 6, 2001, under a 1999 Collective Bargaining Agreement.

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Payment Date	Amount
11/30/1999	\$500
5/31/2000	\$525
11/30/2000	\$525
5/31/2001	\$550
11/30/2001	\$550
5/31/2002	\$575
11/30/2002	\$575
5/31/2003	\$600
11/30/2003	\$600
5/31/2004	\$625

The Law

The law does not allow PBGC to consider your financial hardship when determining your guaranteed benefit. Instead, the law allows PBGC to pay you only benefits the Plan provides. Your last Plan benefit is due May 31, 2004, as in the table above. Also, please see Enclosure 1 page 91 and Enclosure 4. Therefore, the law and the Plan require stopping your benefit after PBGC pays your May 31, 2004 benefit. Please note, LTV advised you your benefit was temporary. See Enclosures 2 - 3.

The law also prevents PBGC from guaranteeing a benefit increase effective less than a year before a plan terminates. Your Plan terminated March 31, 2002. Therefore, PBGC must limit your benefit to the \$525 semiannual benefit you were receiving April 1, 2001.

Decision

Having applied Plan provisions to the facts in your case, we must deny your appeal. This letter concludes your administrative remedies with respect to PBGC's March 31, 2004 determination. You may, if you wish, seek court review of PBGC's determination with respect to the issues you raised. We

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appreciate your patience during this careful review of your appeal.

Sincerely,

W.D. Ellis

William D. Ellis
Appeals Board Member

Enclosures:

- 1) Excerpts from Plan document adopted November 6, 2001 (8 pages)
- 2) Your signed October 1995 Application showing your Special Payments would end in 1998
- 3) Copy of LTV form letter stating the LTV-USW contract "extends" your survivor's benefit through 2004, with detachable application form

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