



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

April 23,



Re: Appeal 2008-0084, Case 196048
The Goldman Financial Group Inc., Retirement Plan (the
"Goldman Plan")

Dear :

The Appeals Board has reviewed your appeal of PBGC's October , 2007 determination that you are not entitled to a Plan benefit. As explained below, we are granting your appeal.

PBGC's Determination

You asked for a benefit based on Broderick Co. employment from December , 1965 through February , 1992. PBGC found provisions from the Goldman Plan's predecessor, the "Local 2045 Plan" ¹ apply. PBGC determined:

- The Local 2045 Plan excluded from vesting service employment before its July 1, 1988 effective date.
- Beginning July 1, 1988, you earned only 4 years of vesting service through February , 1992.
- The Local 2045 Plan required 5 years of service for a benefit.

PBGC concluded you are not entitled to a benefit.

Your October , 2007 Appeal

You asserted all of your 1965-1992 employment should be used for vesting. You cited a June 17, 1986 labor agreement between Local Union 2045 and Broderick Co.

¹ the United Steelworkers Local Union No. 2045 pension plan, effective July 1, 1988

Factual Findings

Earnings Data

Your Social Security earnings records indicate substantial earnings and continuous employment as follows:

Period	Employer
1965 4 th quarter - 1986	Harsco Corporation
1986 - 1992	Broderick Co Inc. Bankruptcy

Your earnings records substantiate the employment period you claim, from December , 1965 to February , 1992. We also found 7 other Local 2045 Plan participants with similar employment ending exactly on the February , 1992 date you claim.

20 Other Participants Vested With Similar Employment

PBGC has already determined to be vested 20 other participants: (i) who earned 4 or fewer years of service while employed under Local 2045 Plan, and (ii) who previously earned vested benefits under the prior Broderick Plan,² which terminated August 29, 1986. Moreover, of the 20 PBGC found vested:

- For all, PBGC used hire dates in 1965, like yours, or later.
- For all, service for calculating benefit amounts began on the Local 2045 Plan's effective date, July 1, 1988.
- The employment of one ended February , 1990. The employment of 14 more ended on or before the February , 1992 date PBGC used for you.

June 17, 1986 Labor Agreement

The 1986 labor agreement you cited states:

"A new Pension Plan, substantially the same as the previous Broderick Co., Division of Harsco Corporation Pension Plan (Prior Plan), will start as of July 1, 1988. The new Pension Plan will be based upon a normal retirement benefit \$14.50 per month per year of service beginning with service after July 1, 1988."

"The number of years of service credited for vesting purposes under the Prior Plan will be credited as years

² the Broderick Hourly Employees Pension Plan, formerly The Harsco Corporation, Broderick Division Hourly Employees Pension Plan and Declaration of Trust

of service for vesting purposes under the new Pension Plan."

21 Years Benefit Service in 1986-Terminated Broderick Plan

We obtained documents from the Broderick Plan's 1986 termination, showing:

- Your "entry date" was December , 1965,
- Your accrued benefit was \$304.50 {\$14.50 rate x 21 years},
- The lump-sum value of the \$304.50 benefit was \$6,032.61, and
- You were paid the \$6,032.61 in December 1986.

Broderick Plan Provisions Before June 17, 1986

The following provisions are taken from the Broderick Plan document in effect when it terminated in 1986.³ For simplicity, we describe the rules for participants such as you who were hired after age 21 and who earned at least 1 hour of service after January 1, 1986.

- For a participant whose continuous service was broken in 1986, the amount of his Deferred Vested benefit was determined using a \$14.50 benefit rate for each year of continuous service. (section 2.1)
- Credited service for vesting ("vesting service") was measured on the same basis as continuous service. (section 3.5)
- Continuous service on and after January 1, 1975 was measured by counting calendar years where an Employee was paid for at least 1,000 for the performance of duties. (section 3.2)

Discussion

The Board found:

- You earned approximately 21 years vesting service under the Broderick Plan from 1965 through its termination in 1986.
- Your Broderick employment was uninterrupted between 1986 and 1988.
- The 4 years vesting service PBGC determined you earned from 1988-1992 is consistent with your Social Security records.
- The 1986 labor agreement explicitly requires including vesting service from the Broderick Plan before its 1986 termination.

The Board concluded PBGC must include in your Plan vesting service the approximately 21 years you earned under the Broderick

³ Pension Agreement between Broderick Co., Division of Harsco Corporation, and USWA Local Union No. 2045, effective June 1, 1985.

Plan. Thus, you earned more than the 5 years required for a vested benefit. This conclusion is consistent with PBGC's practices finding vested 20 other Local 2045 Plan participants with employment histories similar to yours.

Therefore, we are changing PBGC's determination: The benefit you accrued from 1988-1992⁴ under the Local 2045 Plan, predecessor to the Goldman Plan, is 100% vested.

Decision

Having applied Plan provisions to the facts in your case, we are granting your appeal. You are entitled to a 100%-vested Plan benefit. PBGC will determine your benefit amount. Your new determination will include a 45-day right to appeal. Thank you for your patience while we carefully reviewed your October , 2007 appeal.

Sincerely,

William D. Ellis

William D. Ellis
Appeals Board Member

Enclosure:

- (1) Excerpt from June 17, 1986 Agreement between Broderick Co., Inc. And USW Local 2045

⁴ The 1986 labor agreement excluded your pre-1988 employment from Local 2045 Plan benefit service, thus avoiding any duplication of benefits already earned under the terminated Broderick Plan.