

# American Benefits Council

## Benefits Law Briefing:

### ERISA's Perfect Storm: Participant Requests for Benefits Paid Decades Ago

**Wednesday, November 12, 2 to 3 p.m. ET**

**BENEFITS LAW BRIEFING: ERISA's Perfect Storm: Participant Requests for Benefits Paid Decades Ago**  
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The American Benefits Council will host a **Benefits Law Briefing webinar** on **Thursday, November 12, at 2 p.m. Eastern Time**, to discuss a troubling trend in retirement plan administration.

Defined benefit and defined contribution plans are each seeing an increase in the number of claims for pension benefits that were paid or rolled over decades ago. These claims are typically brought by former employees who either do not recall receiving or rolling over their benefits, or are questioning the amount of benefits they received. One impetus for such disputes is the required notice from the Social Security Administration designed to remind deferred vested participants that they may be entitled to benefits. This webinar will describe how employers can prepare for disputes in these matters.

*Jan Jacobson, senior counsel, retirement policy, will moderate the call, joined by [Doug Hinson](#) and [Jonathan Rose](#), partners with Alston & Bird LLP.*

The webinar will include a question-and-answer period. Members are encouraged to [submit questions and comments in advance](#) to Jacobson at [jjacobson@abcstaff.org](mailto:jjacobson@abcstaff.org).

**A recording of this session will be available by request.**

**NOTE:** Participation in Council webinars may be used toward continuing education/renewal requirements for many professional accreditation programs, but only by means of self-certification. Descriptions of past programs are available by [clicking here](#). Please retain your registration confirmation for your verification records.

#### **Background:**

Plan administrators are seeing an increase in the number of claims brought by former employees who either do not recall receiving or rolling over their retirement benefits, or are questioning the amount of benefits they received. These claims may relate to plans

acquired over the years through mergers and acquisitions, or they may involve records and/or service providers that are hard to find or no longer exist. Many involve plan activities and facts that predate the use of computers, or involve outdated computer systems. Some are even brought as class actions.

This growing trend is the result of a combination of factors, including a common notice from the Social Security Administration that is designed to remind deferred vested participants that they may be entitled to benefits. These are generated by SSA when individuals apply for benefits, and they are based on old 5500s, often filed decades ago. The growing number of individuals now applying for SSA benefits has increased the number of such notices, and many individuals of that age simply cannot recall whether they have received their benefits. The resulting disputes can be difficult and costly to resolve or defend.

***For questions related to registration – or if you have colleagues at your organization who would like to participate in this call, but do not regularly receive Council materials – please contact [Deanna Johnson](#), director, membership, or [Sondra Williams](#), membership services coordinator, at (202) 289-6700.***