



# ED SLOTT'S IRA ADVISOR

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## TAX & ESTATE PLANNING FOR YOUR RETIREMENT SAVINGS

### No Pension Benefits for Widow Married Less than a Year

**Mary Kern v. Chrysler UAW Pension,  
US Court of Appeals, 6th Circuit,  
No. 12-2049, May 22, 2013**

The U.S. Court of Appeals for the 6th Circuit recently ruled that a pension plan administrator did not violate the Employee Retirement Income Security Act (ERISA) by concluding that a widow did not qualify for benefits related to her husband's pension because she had not been married to him for more than one year before his death.

#### Facts of the Case

John Kern worked for Chrysler and participated in the Chrysler UAW Pension Plan. On April 19, 2004, he married Mary Kern. Unfortunately, less than 4 months after being married, John Kern died on August 4, 2004. Sometime afterwards, Mary asked about her eligibility for widow's pension benefits under the Chrysler UAW Pension Plan, but was told she wasn't eligible for any.

**The Chrysler plan's terms required Mary to be married to John for at least a year...**

The Chrysler plan's terms required Mary to be married to John for at least a year, the maximum amount of time allowed under ERISA, before she could be added under the Plan's "Surviving Spouse Option." As such, the Plan denied her claim for pension benefits. Despite the Plan's one-year rule, Mary believed she was entitled to benefits.

Mary believed that while the Plan did have a one-year-marriage requirement when a participant retires

and had been married less than a year, the Plan did not specifically exclude survivor benefits where the participant had not been married for a year at the time he died. She believed the plan administrator misinterpreted the Plan's one-year marriage language and filed suit to get the widow's benefits.

#### Court Decisions

##### U.S. District Court's Decision

On July 18, 2012, the U.S. District Court for the Eastern District of Michigan

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#### *Guest IRA Expert*

##### **Rick Loek, CEO/Founder**

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