



## OWCP case upheld on appeal; PERF; Medicare Part D

In the January and June 2005 issues of the *Postal Record* I wrote about the case of letter carrier David Hatch vs. the Office of Personnel Management (OPM). The case was pending appeal through the Merit Systems Protection Board (Docket # BN-0831-03-0056-I-1). The case concerned the denial of proper retirement credit for the appellant who had been returned to duty on a permanent schedule of fewer than 40 hours per week prior to retirement. Hatch was paid by OWCP for the remaining hours.

The OPM took the position that such work was to be considered part-time service. In doing so, OPM reduced Hatch's retirement annuity substantially. The position of OPM was challenged by Hatch on appeal to the Merit Systems Protection Board (MSPB). Although the initial decision proved to be favorable to Mr. Hatch, the OPM petitioned the MSPB to reconsider its position. In a decision rendered on September 28, the Merit Systems Protection Board rejected OPM's argument and reaffirmed its original decision that the appellant's service should be considered as full-time service for purposes of retirement credit. As a result, the Board ordered OPM to recompute Hatch's annuity retroactive to his retirement date allowing for full credit for the service considered part-time by OPM.

If you have also had your annuity adjusted because you had been injured on duty and were working part-time hours prior to your retirement from the Postal Service, you should make direct contact with OPM and request that your annuity be adjusted based on the result of this decision. Send your request to: Office of Personnel Management, Retirement Operations Center, P.O. Box 45, Boyers, PA 16017-0045. Be sure to include your CSA number on your correspondence.

It is not clear at this time as to whether OPM will appeal this decision any further.

**Retirees are covered for losses, too—**The terrible results of Hurricanes Katrina and Rita and the devastating toll they took upon those in their paths will be etched in our memories for many years to come. Many of the victims were postal employees, and as of this writing some were still living in the Astrodome in Houston, Texas.

Since the storms hit, there has been much discussion over insurance coverage and whether the damage is a result of hurricane winds or the flood waters that resulted. Either way, enforcement will not be easy and many losses will be experienced.

Postal employees affected by these storms can apply for assistance through the Postal Employees' Relief Fund (PERF), and, thanks to the actions of President Young and

other grantors of the fund, *retirees* may also apply to the fund for assistance. At the 2004 National Convention in Honolulu, Hawaii, it was announced that the NALC and a coalition of other postal organizations had successfully included postal retirees for coverage under the fund. That action could not have come at a better time since many postal retirees were affected by the recent hurricanes.

For information on the fund or to obtain an application form for assistance you can go to the fund's website at [www.postalrelief.com](http://www.postalrelief.com) or write to: Postal Employees' Relief Fund, P.O. Box 34422, Washington, DC 20043-4422. You may also call their offices at 202-408-1869.

**Medicare Part D—**The enrollment period for coverage under the new Medicare prescription drug program begins on November 15 and runs through May 15, 2006. If you decide to join this plan and do so by December 31, 2005, your coverage will begin January 1, 2006. The cost will vary depending on which plan you select, but is expected to be around \$32 per month. Deductibles will also apply according to plan.

Retirees who are covered by the NALC Health Benefit Plan should be aware that the Office of Personnel Management has determined that the prescription drug coverage offered by the NALC's plan will, on average for all plan participants, pay as much as or more than the standard Medicare prescription drug coverage will pay. This means that if you are enrolled in the NALC plan, it is not necessary to enroll in Medicare Part D. Should you choose to enroll in Medicare Part D, you can keep your FEHB coverage and NALC will coordinate benefits with Medicare. Remember: If you are a retiree annuitant and you terminate coverage under the FEHB program, you may *not* re-enroll in the FEHB program!

For more information online go to [www.medicare.gov](http://www.medicare.gov), or call 1-800-MEDICARE. TTY users can call 1-877-486-2048.

I want to take this opportunity to wish everyone a happy Thanksgiving and an enjoyable holiday! ☒

### NALC Retirement Department

Toll-free number: 1-800-424-5186

Available Monday, Wednesday and Thursday only  
from 10 a.m. to noon and from 2 to 4 p.m. (Eastern time)  
This toll-free number is answered ONLY during these hours  
on the days indicated.

If your question concerns hospitalization and you are a  
member of the NALC Health Benefit Plan, call 1-888-636-6252.