

# News Release



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## Settlement Restores Funds to Fort Wayne, Ind., 401(k) Plan

**FORT WAYNE, Ind.** -- The U.S. Department of Labor has obtained a settlement requiring CCS Inc. to restore \$29,362.45 to its 401(k) plan. The consent order also permanently bars two of the Fort Wayne company's plan trustees from serving as fiduciaries to employee benefit plans governed by the Employee Retirement Income Security Act (ERISA).

"The department will act when plan fiduciaries fail to carry out their duty to protect the retirement plan assets held on behalf of participants," said Kenneth Bazar, director of the department's Chicago regional office of the Employee Benefits Security Administration (EBSA).

The consent order resolves a lawsuit filed by the Labor Department alleging that trustees James W. Fuzy and Todd W. Fuzy failed to remit employee contributions and loan repayments to the employee benefit plan from January 1998 through December 2002.

Employers with similar problems, who are not yet the subject of an investigation by EBSA, may be eligible to participate in the department's Voluntary Fiduciary Correction Program (VFCP). Participation in the program requires employers to correct ERISA violations but allows them to avoid EBSA enforcement actions and civil penalties as well as any applicable excise taxes. For more information about the VFCP, see [www.dol.gov/ebsa](http://www.dol.gov/ebsa).

The suit resulted from an investigation conducted by EBSA's Chicago regional office. Employers and workers can reach the Chicago regional office at (312) 353-0900 or through EBSA's toll-free number, 1.866.444.EBSA (3272), for help with problems relating to private-sector retirement and health plans. In fiscal year 2004, EBSA achieved record monetary results of \$3.1 billion related to the pension, 401(k), health and other benefits of millions of American workers and their families.

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Chao v. Fuzy  
Civil Action No. 1:04-CV-238

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