



**UFCW, LOCAL 23 AND
EMPLOYERS BENEFIT FUNDS**

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604879

April 28, 2010

Secretary of Labor
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

EBSA/PUBLIC DISCLOSURE
2010 JUL -7 AM 10:46

Re: Notice of Critical Status

To Whom It May Concern:

Please find enclosed a copy of the Notice of Critical Status which was mailed April 26, 2010, to all Fund participants, contributing employers, sponsoring Unions, and the Pension Benefit Guaranty Corporation.

Sincerely,

UFCW Local 23 and Employers Pension Fund

Renee M. Duncombe
Administrative Manager

Enclosure

EX-100, PENSION
04/28/2010
260 FAX -4 A 11:54



Notice of Critical Status For

UFCW Local 23 and Employers Pension Fund

April 26, 2010

This is to inform you that on March 31, 2010 the plan actuary certified to the U.S. Department of the Treasury, and also to the plan sponsor, that the plan is in critical status for the plan year beginning January 1, 2010. Federal law, the Pension Protection Act of 2006, requires that you receive this notice.

Critical Status

The plan was in critical status last year and over the next 9 years, the plan is projected to have an accumulated funding deficiency for each year.

Rehabilitation Plan and Possibility of Reduction in Benefits

Federal law requires pension plans in critical status to adopt a rehabilitation plan aimed at restoring the financial health of the plan. The law permits pension plans to reduce, or even eliminate, benefits called "adjustable benefits" as part of a rehabilitation plan. If the trustees of the plan determine that benefit reductions are necessary, you will receive a separate notice in the future identifying and explaining the effect of those reductions. Any reduction of adjustable benefits (other than a repeal of a recent benefit increase, as described below) will not reduce the level of a participant's basic benefit payable at normal retirement. In addition, the reductions may only apply to participants and beneficiaries whose benefit commencement date is on or after April 25, 2008. But you should know that whether or not the plan reduces adjustable benefits in the future, effective as of April 25, 2008, the plan is not permitted to pay lump sum benefits (or any other payment in excess of the monthly amount paid under a single life annuity) while it is in critical status.

Adjustable Benefits

The plan offers the following adjustable benefits which may be reduced or eliminated as part of any rehabilitation plan the pension plan may adopt:

- Post-retirement death benefits;
- Sixty-month payment guarantees;
- Disability benefits (if not yet in pay status);
- Early retirement benefit or retirement-type subsidy;
- Benefit payment options other than a qualified joint-and survivor annuity (QJSA);
- Recent benefit increases (i.e., occurring in past 5 years);
- Other similar benefits, rights, or features under the plan {provide identification}

Employer Surcharge

The law requires that all contributing employers pay to the plan a surcharge to help correct the plan's financial situation. The amount of the surcharge is equal to a percentage of the amount an employer is otherwise required to contribute to the plan under the applicable collective bargaining agreement. With some exceptions, a 5% surcharge was applicable in the initial critical year and a 10% surcharge is applicable for this plan year and for each succeeding plan year thereafter in which the plan is in critical status. The surcharge ceases to be effective for an employer beginning on the effective date of a collective bargaining agreement consistent with one of the Rehabilitation Plan schedules.

Where to Get More Information

For more information about this Notice, you may contact Renee Duncombe at 1-800-423-3863 or 345 Southpointe Blvd., Canonsburg, PA 15317. You have a right to receive a copy of the rehabilitation plan from the plan.