

# UNITED FOOD AND COMMERCIAL WORKERS UNIONS AND EMPLOYERS MIDWEST PENSION FUND

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1300 Higgins Road, Suite 300 ♦ P.O. Box 1114 ♦ Park Ridge, Illinois 60068-7114  
847-384-7000 ♦ 800-621-5133 ♦ FAX 847-384-0197 ♦ TDD 847-384-0199 ♦ [ufcwmidwest.org](http://ufcwmidwest.org)

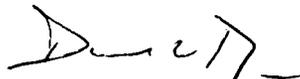
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March 24, 2010

U.S. Department of Labor  
Employee Benefits Security Administration  
Public Disclosure Room, N-1513  
200 Constitution Avenue, N.W.  
Washington, D.C. 20210

Enclosed, on behalf of the United Food and Commercial Workers Unions and Employers Midwest Pension Plan, is the Notice of Actuary's Certification of Critical Status under the Pension Protection Act of 2006 for the plan year beginning December 1, 2009.

Sincerely,



Daniel W. Ryan  
Administrator

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## Notice of Actuary's Certification of Critical Status under the Pension Protection Act of 2006

for the

### United Food and Commercial Workers Unions and Employers Midwest Pension Plan

This is to inform you that on February 26, 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 December 1, 2009. Federal law requires that you receive this notice.

#### Critical Status

The plan is considered to be in critical status because it has funding or liquidity problems, or both. More specifically, the plan's actuary determined that the plan is projected to have an accumulated funding deficiency beginning with the 2012 plan 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 March 26, 2010. But you should know that whether or not the plan reduces adjustable benefits in the future, effective for benefits with a benefit commencement date on or after March 26, 2010, the plan is not permitted to pay benefits under the level income option or any other payment in excess of the monthly amount paid under a single life annuity. In addition, the plan may not be permitted to pay the lump sum death benefit in a single payment for participants whose benefit commencement date is on or after March 26, 2010. The plan is hoping to receive guidance concerning this in the near future. The prohibition on payment of benefits under these options extends throughout the time period when the plan 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;
- 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).

#### 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 is applicable effective April 27, 2010 and a 10% surcharge is applicable effective December 1, 2010 and for each succeeding plan year thereafter in which the plan is in critical status.

#### Where to Get More Information

For more information about this Notice, you may contact the Pension Office or the Fund Administrator, at 847-384-7000, United Food and Commercial Workers Unions and Employers Midwest Pension Plan, 1300 Higgins Road, Suite 300, Park Ridge, IL 60068-5713. You have a right to receive a copy of the rehabilitation plan from the plan.

258-0310045