

## **Plezia's Letter to Congress**

I am an old Chrysler Corporation employee. The company bought by Cerberus, is steadily removing benefits from us "older" retirees. Those under 65 are not discriminated against. These are benefits which we took for granted as rewards for our service.

They have taken away our life insurance, which I counted on to assist my wife when I pass away. They have only guaranteed an allotment through next year for our medical expenses. It appears they will soon take away our lease cars, which because they self insure the cars, is a good benefit to us at our age because of the cost of commercial insurance.

The last benefit, while not mentioned, is our pension. I know about the government pension insurance; but, I'm not sure that it covers the complete sum. I understand that the AARP has challenged the narrow EEOC ruling that reversed the ADEA ruling that protected our benefits.

I'll include a portion of the Judge's ruling which I think is in dispute:

"If the EEOC changed its position since Erie County, it should not detain us long, since "an initial agency interpretation is not instantly carved in stone. On the contrary, the agency . . . must consider varying interpretations and the wisdom of its policy on a continuing basis."

". . . prohibitions applied to the practice of coordinating retiree healthcare benefits with Medicare eligibility, and that an employer could not reduce benefits to Medicare-eligible retirees unless It could meet the conditions of the "equal benefit or equal cost" safe harbor of the ADEA, 29U.S.C. § 623(f)(2)(B)(i).<sup>6</sup>In AARP I, while not disputing the holding of Erie County,<sup>7</sup> the EEOC claimed that the regulation at issue fell within its authority under section 9 of the ADEA, which gives the EEOC power "to issue such rules and regulations as it may consider necessary or appropriate for carrying out this chapter" and "to establish . . . reasonable exemptions to and from any or all provisions of this chapter as it may find necessary and proper in the public interest." 29 U.S.C. § 628. Because I was asked to review an administrative agency rule for its consistency with congressional intent, I applied the familiar two-part Chevron test to the challenged regulation."

In reading this ruling I don't understand why taking away benefits from retirees is in ". . . necessary and proper in the public interest . . ." The way I see it this opinion discriminates against seniors. Therefore, the "Government" is discriminating against it's own citizens!

I'm asking for your help to protect my current Retirement benefits and reinstate those taken from me! (None of these benefits have been eliminated from the UAW package) The EEOC's ruling does not appear to agree with the Congressional intent!

Cordially,