

Identification Number: EM-15010

Effective Date: April 8, 2015

Intended Audience: All RCs/ARCs/ADs/FOs/TSCs/PSCs

Originating Office: DCO OPSOS DPPO

Title: Greenberg v. Colvin Class Action Lawsuit and Old Age Benefits from the National Insurance Institute of Israel (NII)

Type: EM – Emergency Message

Program: Title II (RSDI)

Link to Reference: See [References](#) at the end of this EM.

**Retention Date: October 31, 2015**

### **A. Purpose**

The purpose of this Emergency Message (EM) is to provide instructions for the field office (FO) in the event that a person contacts or visits the office regarding the, Greenberg v. Colvin class action.

Beneficiaries who are potential Greenberg v. Colvin class members will receive an informational notice containing instructions to call one of the toll-free numbers in the notice or to complete and mail in the Settlement Claim Review Request form.

The Office of Earnings and International Operations (OEIO) will handle the necessary review, development, and action for recalculation of benefits for this class action case.

### **B. Background**

The Windfall Elimination Provision (WEP) applies when a worker becomes entitled to both Social Security retirement, or disability benefits and a pension for which he or she first became eligible after 1985 based in whole or in part on non-covered earnings.

A foreign pension based on employment not covered by U.S. Social Security is treated the same as any other pension based on non-covered employment. However, WEP does not apply to a foreign pension based on factors other than work such as financial need, voluntary contributions or residency.

Prior to the Greenberg v. Colvin court case, SSA was applying the WEP to retirement or disability benefits due to receipt of an Old Age benefit from the National Insurance Institute of Israel (NII). As a result, of the settlement in Greenberg v. Colvin, SSA will no longer apply the WEP when a claimant receives Old Age benefits from NII. SSA will also recalculate the Primary Insurance Amount (PIA) for class members, whose PIA was affected by the WEP due to receipt of NII benefits, since August 2004. In addition,

SSA will rescind all overpayments and cease all collection efforts for class members, whose PIA was affected by the WEP due to receipt of NII benefits, August 2004 or later.

Below are the names of some common private pensions that are subject to WEP:

Makefet pension

Meftahim pension

Managers pension

Keren Ishtalmout pension

Hadassa Hospital pension

### **C. Procedures for Field Offices (FO) for initial claims**

Process all new or pending applications without applying the WEP if the only pension the beneficiary receives is from the NII. This includes all pending claims involving retroactive relief based on being a Greenberg v. Colvin class member.

### **D. Procedures for FO if class member requests a review**

If a person visits the FO inquiring about the Greenberg v. Colvin settlement, technicians should go online at <http://www.ssa.gov/greenberg/>, print the Settlement Claim Review Request form, and then provide it to the individual. If the person completes the form at the FO or drops off a completed form, forward all completed forms to Social Security Administration, Attn: Greenberg Lawsuit, Request for Settlement Claim Review, Office of Central Operations, Office of International Operations, PO Box 33001, Baltimore, Maryland 21290-3001 USA. Refer all inquirers with specific question to the Greenberg toll free number, 1-855-727-8115.

### **E. Procedures for FO when OEIO Request for Assistance is received**

If the FO receives an MDW from OEIO on the Greenberg v. Colvin settlement, handle all requests using normal processing methods. Send any forms or development received in the FO to OEIO using mailbox ||OCO OIO.

### **F. Procedure for National 800 Number Network (N8NN)**

If a person contacts the N8NN inquiring about the Greenberg v. Colvin settlement:

1. Use the information in this EM to answer inquiries.
2. Refer to TC 03001.040 for additional instructions on handling inquiries on court cases.

Direct all program-related and technical questions to your RO support staff or PSC OA staff. RO support staff or PC OA staff may refer questions or problems to their Central Office contacts.

**References:**

[RS 00605.360](#) – WEP Applicability

[RS 00605.372](#) – Special Situations Applied To WEP

[GN 00307.290](#) – Evidence of Foreign Pensions and WEP