



ASSOCIATION OF FORMER NEW JERSEY STATE TROOPERS, INC.

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February 1, 2023

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Re: WINDFALL ELIMINATION PROGRAM

Greetings From the FTA,

It has been brought to my attention that after nine-years and two appeals, Lieutenant William A. Kornek, #2749 (Ret) has finally received some good news! Thanks to Bill's dogged pursuit and some good advice from a couple retired local law enforcement officers, his two appeals were overturned, and he is now receiving additional SSI income previously and improperly held back by the Windfall Elimination Program (WEP). It seems that a little-known condition contained in the decision reached by the United States Court of Appeals, Eleventh Circuit, Ralph STROUP, Plaintiff-Appellant, v. Jo Anne B. BARNHART, Social Security Commissioner, Defendant-Appellee case stipulated that, "Individuals who become "eligible" prior to 1986 are not subject to the WEP (Decided April 16, 2003)."

Without going into a long, drawn-out explanation of what dictates eligibility, the bottom line is, if you were employed by the Division of State Police for ten years or more prior to January 1, 1986, you were vested in our State Police Retirement System. As such, you were eligible to receive a pension. The Eleventh Circuit ruling therefore stipulates that you are not subject to the Windfall Elimination Program, and all members of the New Jersey State Police up to and including the 91st Class are therefore eligible!

So, if you are collecting Social Security and your monthly payments have been significantly reduced (40 - 60 percent) due to the Windfall Elimination Program, you need to file an appeal. The appeal process is known to be slow and is estimated to take several months or more! Thanks to Bill's plight to receive just SSI Benefits and not roll over to the WEP, he has graciously offered his experience in navigating through the process as noted below:

- The first thing you should do is obtain a letter from the New Jersey State Police – Human Resources Bureau, or the N.J. Pension Board, stating that you were eligible for a deferred retirement prior to January 1, 1986 (see attached letter example).

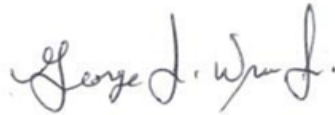
- Once you have obtained your letter, complete Social Security Administration Form SSA-561-U2 (Request for Reconsideration). You can obtain the form at <https://www.ssa.gov/forms/ssa-561-u2.pdf>. In the narrative, explain why you are appealing. Make sure you reference your eligible for a deferred retirement letter and all attached documents included in your Request

for Reconsideration filing. You might want to continue or attach your narrative on a separate bond paper page as space is limited on the form (see attached example filing).

- Make an appointment at your nearest Social Security Office to hand deliver and review your filing. That way if they need additional information or documentation, it saves time! Once your completed filing has been accepted, make a note to call and get a status report eight-weeks after filing your package. If you don't receive any update in the following two-weeks reach out for your Congressman, but don't let it die there! Stay after your Congressman until you have received a determination!
- If you have any questions or want to speak to Bill, you can reach him at njsp85@gmail.com, or at (239) 825-3512.

This is a great accomplishment that Bill achieved, and great news for him and his family, and very gracious of him to share his experience for the benefit of his fellow retired Jersey Troopers! The potential for those who are eligible to receive SSI benefits far above what uninformed SSI agents and clerks previously denied is now readily available. Bill advised that in the beginning of his appeal process he had some agents try to tell him that he was reading the law wrong, that he was too young to retire in an effort to make him go away. Stand Firm, there is no way you can be denied this exemption from the WEP, just be patient. Also, if you don't have income tax taken out of your Social Security, put money aside to pay it when filing your income tax return! Remember, it's up to you to claim what is rightfully and legally, your just benefit!

Thank you, and My Best Regards,

A handwritten signature in cursive script that reads "George J. Wren, Jr." The signature is written in dark ink and is centered below the typed name.

Lt. George J. Wren, Jr., #3680 (*Ret*)
President