

News Release



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Labor Department Obtains Judgment Restoring Over \$34,000 to Health and 401(k) Plans of Ohio Company

DAYTON, Ohio –The U.S. Department of Labor has obtained a consent judgment ordering the fiduciary of the health and 401(k) plans of WagnerWare Corporation in Sidney, Ohio, to restore \$34,897 to the plans for failure to deposit in the plan contributions withheld from employees' paychecks. The judgment also appoints McDonald Investments, Inc., as the independent fiduciary to resolve participant claims, distribute plan assets and terminate the plans.

In addition, Peter Slyman is permanently barred from serving any plan governed by the Employee Retirement Income Security Act (ERISA).

"This action underscores the Labor Department and Secretary Elaine L. Chao's commitment to protect the benefits promises made by employers to their workers," said Joseph Menez, director of the Cincinnati regional office of the Employee Benefits Security Administration (EBSA), which investigated the case. The consent order and judgment was entered in federal district court in Dayton, Ohio.

The department filed the suit in June 2002, after an investigation by the Department's Employee Benefits Security Administration (EBSA), alleging that Slyman retained plan contributions in the general assets of the company; used the assets to pay the company's operating expense; failed to timely forward employees' contribution to the health and 401(k) plans from April 1997 through July 1999, and failed to obtain adequate fidelity bonds for plan years 1998 and 1999.

WagnerWare Corporation, which operated as Wagner Manufacturing Company, sponsored the health and 401(k) plans for 98 employees. The company ceased doing business in July 1999.

Employers with similar problems, who are not yet the subject of an investigation by EBSA, may be eligible to participate in the department's Voluntary Fiduciary Correction Program (VFCP). Participation in the VFCP requires employers to make workers whole, but allows them to avoid EBSA enforcement actions and civil penalties, as well as any applicable excise taxes. For more information about the VFCP, see www.dol.gov/ebsa.

Employers and workers can reach the Cincinnati regional office at (859) 578-4680, or through EBSA's toll-free number, **1-866-444-EBSA (3272)**, for help with problems relating to private-sector retirement and health plans.

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(Chao v. Slyman)
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