UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION AT DAYTON

Kenneth Moshos v. Southwest Ohio Regional Council of Carpenters Pension Fund, et al.

Moshos · No. 3:24-cv-165 · Decided March 20, 2026

SUMMARY

The United States District Court for the Southern District of Ohio addresses Kenneth Moshos's ERISA claim challenging the denial of full normal retirement benefits under the Southwest Ohio Regional Carpenters Pension Plan. The court denies without prejudice both parties' motions for judgment on the administrative record, concluding that the pension fund's treatment of Moshos's suspended early-retirement benefits may conflict with ERISA's nonforfeitability requirements and the suspension-of-benefits regulation. The court refers the case to mediation and permits supplemental briefing if mediation does not resolve the dispute.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio, Western Division at Dayton
WRITING FOR THE COURT	Michael J. Newman
JURISDICTION	United States District Court for the Southern District of Ohio, Western Division at Dayton
DECIDED	March 20, 2026
DOCKET	3:24-cv-165
DISPOSITION	other
PROCEDURAL POSTURE	ERISA participant brought an action under 29 U.S.C. § 1132(a)(1)(B) challenging the pension fund's calculation and resumption of his benefits after a suspension for disqualifying employment. The parties filed cross-motions for judgment on the administrative record.
STANDARD OF REVIEW	Arbitrary and capricious review applies because the Plan grants the administrator discretionary authority to determine eligibility for benefits and interpret the Plan. Under that standard, an administrator's decision must result from a deliberate, principled reasoning process and be supported by substantial evidence.

PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown
PARTIES	Kenneth Moshos v. Southwest Ohio Regional Council of Carpenters Pension Fund, Board of Trustees for the Southwest Ohio Regional Council of Carpenters Pension Fund

TOPICS

erisa · employee benefits · mediation · civil procedure

PRACTICE AREAS

ERISA · employee benefits · pension benefits · federal civil procedure

QUESTIONS PRESENTED

1. Whether the Board of Trustees' decision to resume Moshos's early-retirement benefit at his normal retirement age, after a lengthy suspension for disqualifying employment, complied with ERISA's nonforfeitability provisions and the suspension regulation.
2. Whether the Board's benefit decision was arbitrary and capricious under the governing Plan and the applicable ERISA standard of review.

HOLDINGS

1. A suspension of early-retirement benefits may not affect the participant's entitlement, after reaching normal retirement age, to normal-retirement benefits or the actuarial equivalent of those benefits. Because the six-year suspension materially reduced the lifetime value of Moshos's benefit when the Board resumed only the original early-retirement payment, the Board's decision failed to comply with ERISA's nonforfeitability provisions and 29 C.F.R. § 2530.203-3(a).
2. The Board's decision to resume Moshos's benefits at the original early-retirement amount was arbitrary and capricious because it was not the product of a deliberate, principled reasoning process supported by substantial evidence and failed to account for the effect of the suspension on the actuarial equivalent of his normal-retirement benefit.

KEY QUOTATIONS

> *“The Court finds that the Board of Trustees’ decision to pay Moshos the actuarial equivalent of his normal retirement benefits, after the suspension of his early retirement benefits ended on his retirement date, fails to comply with 29 U.S.C. §§ 1053(a), 1054(c)(3), and an interpretive regulation, 29 C.F.R. § 2530.203-3(a).”* (PageID 650)

> *“A plan may provide for the suspension of pension benefits which commence prior to the attainment of normal retirement age … to the extent (but only to the extent) that suspension of such benefits does not affect a retiree’s entitlement to normal retirement benefits payable after attainment of normal retirement age, or the actuarial equivalent thereof.”* (PageID 651)

> *"For all the above reasons, the Board's decision violated ERISA § 1055(a) and the Suspension Regulation and, as a result, was not the result of a deliberate, principled reasoning process but, instead, constituted an arbitrary and capricious decision."* (PageID 654)

> *"Because the concerns of due process justify providing the parties with the opportunity to provide such briefing, and because such briefing may change the Court's analysis in this case, the Court DENIES WITHOUT PREJUDICE the parties' cross motions on the administrative record."* (PageID 655)

FACTUAL BACKGROUND

Moshos received early-retirement benefits beginning July 1, 2014, in the amount of $482.75 per month, after the pension fund advised him that his early benefit was the actuarial equivalent of his normal-retirement benefit. His benefits were suspended in December 2014 after he returned to disqualifying employment and remained suspended for approximately six years and seven months. When Moshos reached normal retirement age in 2021, the Board resumed payments at the original early-retirement amount, reduced under the Multiemployer Pension Reform Act, rather than paying the higher accrued normal-retirement amount of $968.46 per month.

PROCEDURAL HISTORY

Moshos filed this ERISA action on June 4, 2024, challenging the Board of Trustees' decision to resume his early-retirement benefit rather than pay the full accrued normal-retirement benefit after he reached normal retirement age. The parties filed cross-motions for judgment on the administrative record and completed briefing. The court denied both motions without prejudice, referred the case for a second mediation, and allowed supplemental briefing if mediation failed because the court's analysis relied in part on a recently decided Sixth Circuit case that had not been briefed.

DISPOSITION

other

CASES CITED

- Firestone Tire & Rubber Co. v. Bruch, 489 U.S. 101, 113, 115 (1989)
- Durbin v. Columbia Energy Grp. Pension Plan, 522 Fed. App'x 341, 344 (6th Cir. 2013)
- Farhner v. United Transp. Union Discipline Income Prot. Program, 645 F.3d 338, 342 (6th Cir. 2011)
- Glenn v. MetLife, 461 F.3d 660, 666 (6th Cir. 2006)
- Baker v. United Mine Workers of Am. Health & Ret. Funds, 929 F.2d 1140, 1144 (6th Cir. 1991)
- McClain v. Eaton Corp. Disability Plan, 740 F.3d 1059, 1064-65 (6th Cir. 2014)
- Johnston v. Dow Emps. Pension Plan, 703 Fed. App'x 397, 401 (6th Cir. 2017)
- Wilson v. Safelite Group, Inc., 930 F.3d 429, 434 (6th Cir. 2019)
- Int'l Resources, Inc. v. New York Life Ins. Co., 950 F.2d 294, 297 (6th Cir. 1991)
- Whisman v. Robbins, 55 F.3d 1140, 1145 (6th Cir. 1995)
- Reichert v. Kellogg Co., Nos. 24-1442, 24-5945, 2026 WL 734673, at *2, *5-*6 (6th Cir. 2026)

- Stephens v. U.S. Airways Grp., 644 F.3d 437, 440 (D.C. Cir. 2011)
- King v. St. Vincent's Hosp., 502 U.S. 215, 221 (1991)
- Massachusetts v. Morash, 490 U.S. 107, 115 (1989)
- Urlaub v. CITGO Petroleum Corp., No. 21 C 4133, 2022 WL 523129, at *1 (N.D. Ill. Feb. 22, 2022)

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