

National Association of Letter Carriers

Branch 782



E.A. Baker Union Update

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CHARTERED FEBRUARY 25, 1891

VOLUME LXXXII NUMBER 7

JULY 2010

at the

Mike:



Congratulations to
our two newest
Retirees: Sandy Huse
and Paul McCarthy!!

I wish them many
healthy and happy
years!!!

But, in case you
thought retirement
ended decisions...

Electing a Survivor Annuity: Follow Legal Requirements or Lose the Benefit

by Susan Smith,
NALC Branch 373

A recent appeals court decision underscores the need for federal retirees to be careful when they make and communicate with the Office of Personnel Management decisions about survivor annuity elections. (Dorsey v. Office of Personnel Management, C.A.F.C. No. 2009-3071 (nonprecedential), 11/25/09).

The petitioner in this case tried without success to convince OPM, the Merit Systems Protection Board and the appeals court that her deceased husband had made an election to provide her with a survivor's annuity.

More than 11 years after retiring from federal service, James Blood married Alice Dorsey. By law, in order to provide for a survivor's annuity for his new wife, Blood was required to send OPM something in writing stating his intention to do so. He did receive a package of forms from OPM, which he filled out and returned to make Dorsey his beneficiary for life insurance and for any sums due him under the retirement system.

But, Blood failed to state in writing that he wanted to elect a survivor's annuity for his wife. The court found that Blood was informed by OPM of this requirement in writing.

Continued on next page...

When Blood died, his widow petitioned OPM to begin paying her a survivor's annuity. Because Blood had not made the required election in writing within two years of his marriage, the petition was denied.

The MSBP affirmed and Ms. Dorsey took her case to the federal appeals court.

As the court explained in refusing to overturn the OPM decision, no particular form is required in order to make the required election. All Blood had to do was send a signed letter to the OPM indicating his intent within 2 years of his marriage.

Dorsey argued that Blood's signature on the forms (SF 2808 and 2823) to make her beneficiary under his retirement and life insurance plans was enough to prove his intent on the survivor annuity. No so, ruled the court: "The forms submitted by Mr. Blood relate to other benefits and do not elect a survivor annuity benefit." SF 2808, which relates to lump-sum retirement benefits specifically states that it "does not affect the

right of any person who is eligible for survivor annuity benefits. Do not confuse this form with designation forms used for other types of benefits..."

The court appeared sympathetic to Dorsey's argument that Blood had suffered from Alzheimer's disease for the last ten years of his life. Nevertheless, the court pointed out that the two-year window requiring a written statement of intent on the survivor's annuity is a statutory requirement that the court "simply does have the authority to ignore..."

In short—there is simply no way for Dorsey to receive a survivor's annuity under the facts of this case.

There is a harsh lesson in this case for federal retirees and their surviving spouse."

Article courtesy of the January 2010 Cedar Rapids, IA Branch 373 *Parlor City News*

Minutes of the June 2010 General Meeting

The regular meeting of Branch 782 was called to order by President Mike Towery @ 7:02 p.m. on the 22nd day of June, 2010, at the branch office Bakersfield. The flag salute was led by Sgt. at Arms Jerry Patterson. All members of the Executive Board were present except Chief Trustee, Lucinda Martinez. The stewards were present from Arvin, Avenal, Brundage Alternate, Camino Media, Downtown, E. B. Alternate, Hillcrest, Oildale, Shafter, South, Stockdale, Taft and Wasco. Also present was Editor, Basil Zuniga, S.A.N.E., Fred Acedo, Asst. Editor, Chris Chretien, OWCP Rep., Rick Gerdes, Photographer, Anita Holderman, Social and Rec. Rep., Emma Gonzalez and Legislative Rep., Diana Chavez. President Mike Towery turned the meeting over to Vice President, Darryl Holderman. The minutes were accepted as read with no additions or corrections. An e-mail from Retired Carrier Mario Muniz was read.

REPORTS OF STANDING AND SPECIAL COMMITTEES: Teresa Ortega reported that the Picnic is "a long way off". Basil Zuniga reported that the newsletter was folded by Camino Media last month and that they were "very fast."

Next time he and Norma Hamer will work on getting the AO's a turn at the folding and stapling. John Ortega reported that there will be a Golf Tournament at Riverlakes Golf Course, Sunday, June 27th, 7:00 a.m., shotgun start. Four man teams, \$50. each player. There are 22 teams so far.

UNFINISHED BUSINESS: Molly Biggar presented the 2010-2011 Budget. Molly then made a motion to accept the Budget, seconded by Jerry Patterson and passed. Darryl Holderman reported on the proposed By-Laws change. Molly Biggar reported on the reason for the change was to increase blanket bond for Branch members who handle money to \$40,000.00. The Committee recommends approval of the change. The membership voted to accept the Committee's recommendation. Basil Zuniga discussed the "Fred Acedo Book Project." Fred has been drawing cartoons for the Branch since 1993, Chris Chretien who has a background in graphic design has put together a book covering Fred's first 7 years of cartoons. Basil discussed his travels and adventures visiting printers and selecting the "ONE." Anita Holderman made a motion that the Branch invest \$25,000.00 to have the book printed, with the Branch being paid back the investment from the proceeds from the sale of the book. Motion seconded by Jerry Patterson. A discussion was held and the motion passed UNANIMOUSLY. Basil then discussed having a 50/50 raffle at the Convention for some of Fred's framed artwork. The proceeds of this raffle will cover the cost for Chris Chretien to attend the Convention, and the balance to be divided between MDA and Fred Acedo.

GOOD OF THE ASSOCIATION: Darryl Holderman informed the members that a request for a mutual trade to Menlo Park has been received by the Branch. Menlo Park is in Northern California. The carrier requesting the trade has 10 years seniority, there are 70-75 routes at his station. Kim Gerdes asked that all delegates to the Convention meet with her after the meeting to let her know if you will be attending, she will need to cancel reservations this week for those not attending. Basil discussed renting a van to transport delegates and members to the Convention. Contact Basil or Pam Smith if you would like to attend the Convention for a day. John Ortega reported on JARAP.

FINANCIAL SECRETARY'S REPORT: Anita Holderman reported that \$19,085.96 was collected for May and \$6,868.68 has been collected so far for June.

TREASURER'S REPORT: Molly Biggar reported –

| | |
|-------------------|-------------|
| Beginning Balance | \$56,863.26 |
| Dues and Income | \$12,385.89 |
| Interest Income | \$ 6.09 |
| Total Balance | \$69,255.21 |
| Expenses | \$15,206.00 |
| Ending Balance | \$54,049.21 |

MDA 50/50 DRAWING: The drawing was won by Ramon "Primo" Herrera.

GENERAL MEETING DRAWING: The \$500.00 would have been won by Olga Cota if she had been present.

Basil asked if the members present had read the article in the Newsletter about the family of member David Bridges who were involved in an auto accident. They were hit in an intersection

when the other driver ran a red light He stressed the importance of taking the time to enter the intersection safely.

There were 42 members present.

The meeting adjourned at 7:41 p.m.

Respectfully submitted,

KIM GERDES
Recording Secretary

OUT THERE



NON-MEMBER LIST

April 2010

403 OF THE 427 CRAFT EMPLOYEES IN CITIES WE SERVE ARE NALC MEMBERS!

WE HAVE ACHIEVED A TOTAL OF 94.4%.

DOWNTOWN STATION

Dale Pearce
Javier Cruz

DOLE COURT

100% Union!!!

BORON

V. L. Johnson

McFARLAND

100% Union!!!

TAFT

B. W. Krier
K. J. Hughes

SOUTH STATION

100% Union!!!

STOCKDALE

James Oh
G.S. Saran
A. White

CALIFORNIA CITY

100% Union!!!

MOJAVE

100% Union!!!

TEHACHAPI

V. L. Johnson

EAST BAKERSFIELD

100% Union!!!

CAMINO MEDIA

F. Medina, Jr.

DELANO

C. V. Quebral
L. A. Campos

RIDGECREST

S. R. Pierce
H. G. Blanco
L.M. Montano
Y.P. Chea
T.P. Garcia

TRONA

S. L. Walent
B. R. Dame

HILLCREST

100% Union!!!

ARVIN

100% Union!!!

EDWARDS

100% Union!!!

WASCO

100% Union!!!

BRUNDAGE

David Kinglee

AVENAL

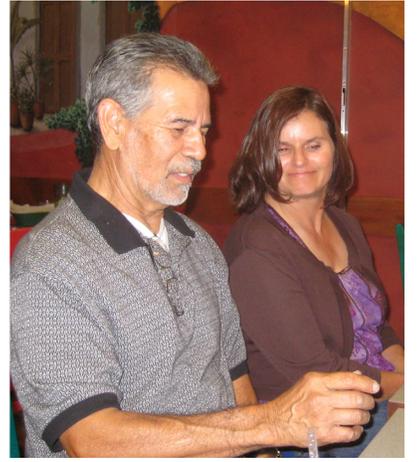
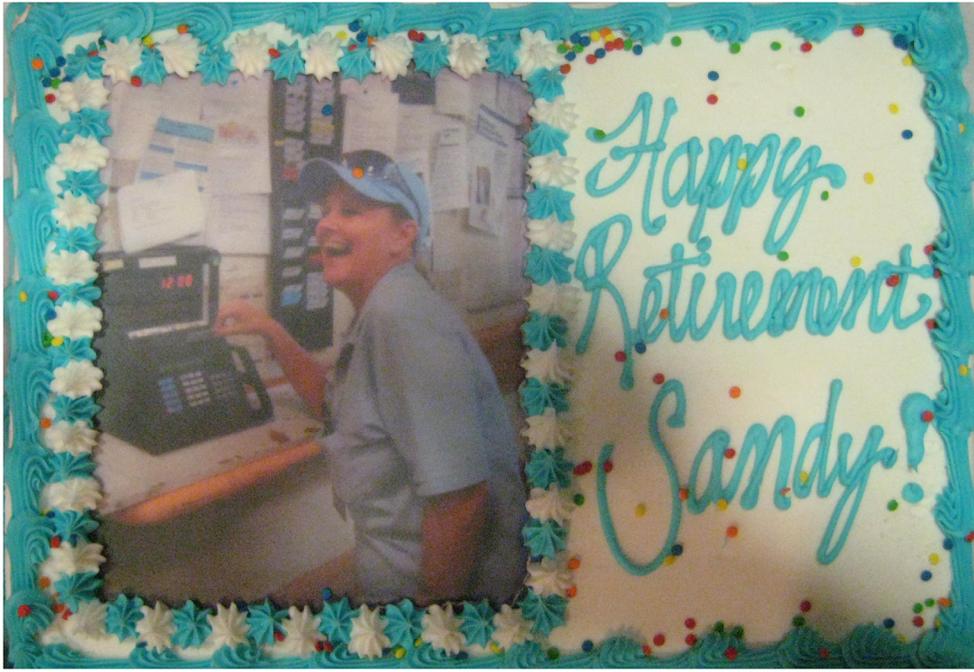
S.R. Bejarano

LAMONT

100% Union!!!

SHAFTER

L. M. New
M. D. Voights





When is he going to hang up the satchel???

from the editor-guy

I have one last opportunity to encourage members of Branch 782 to buy a copy of Fred Acedo's book "Out There".

Books will be on sale at the general membership meeting on July 27. If you can't be there, you need to make sure that you tell your Shop Steward that you want to reserve a copy.

This is a very limited edition. Only 2500 books have been printed. To date, we have received numerous requests for copies from folks all over the country. And—since we will be selling the books at the NALC National Convention in August—we anticipate that we are going to sell out!

"Out There" will cost you \$20. It is well worth that cost. There are over four hundred cartoons which highlight the first seven years of Fred's work for our Branch. Since 1993, Fred has been producing a dazzling range of insightful looks at this Letter Carrier world that we inhabit with dogs, supervisors, ants....

Most people in this Branch probably take Fred's cartoons for granted. They appear each month in the newsletter. You can see them at a glance and not worry about reading anything else.

Makes me think about that old saw about people who buy *Playboy*, and how



they just buy the magazines to read the articles. Anyway...

If you have liked the cartoons in black and white, Fred has come up with a nice twist.

Former Branch 782 member Chris Chretien, Sr. (he just recently transferred to Branch 82 in Portland, Oregon) pointed out that he would like to have color cartoons be a part of the "Out There" book that he was asked to design by Branch President Mike Towery.

Fred began to "colorize" cartoons for inclusion in "Out There". And, since he now had color cartoons, we came up with an idea: We would make the color

cartoons available for purchase.

Instead of just letting the color cartoons sit in boxes or a file drawer, we will sell them.

The earliest that they will be available will be at the July Branch 782 General Meeting. The remainder will be taken to the National Convention and sold to delegates there.

This is a very limited supply of original Fred Acedo artwork. We are hoping that Fred will be able to pump out one hundred cartoons.

The cost for this original artwork: \$10.00.

Finally, most of you probably never look at the dates that are on the cartoons. I have quite a stack of cartoons that Fred has provided me with. I always try to "link" one of his cartoons with the subject matter of an article which appears in the newsletter.

If you get a chance, try to start looking for those dates. As an example, this page has cartoons which Freddie produced in 2002 and 2003 and 2005.

Ultimately, what will sell "Out There" is going to be the cartoons.

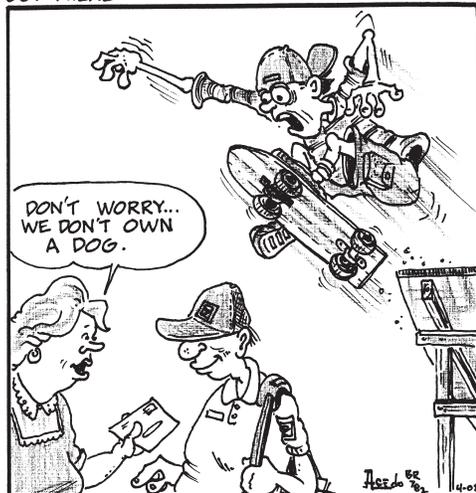
And, I'm thinking that when you see "Out There", you're going to be blown away by how good it looks.

And, if you need some added inducement: This is going to be a fund raiser for the Muscular Dystrophy Association!

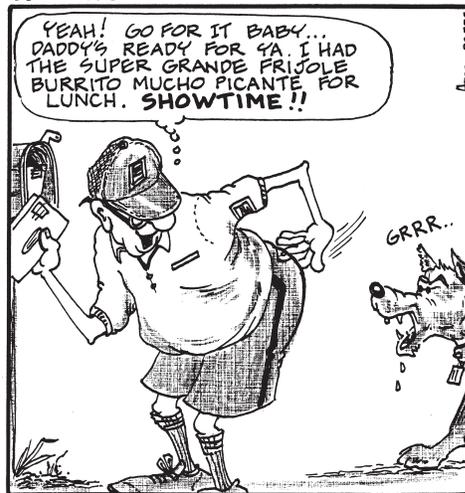
One additional effort is going to be the selling of raffle tickets for a really nice framed and matted wall display of "Out There" cartoons. These tickets will be sold at the National Convention. This *has* been an adventure!

BASIL ZUNIGA
Branch 782 Editor-guy

OUT THERE



OUT THERE



Please let Pam Smith know if you want to buy a copy: PCallmeps@aol.com

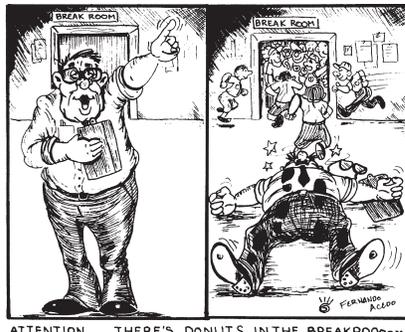
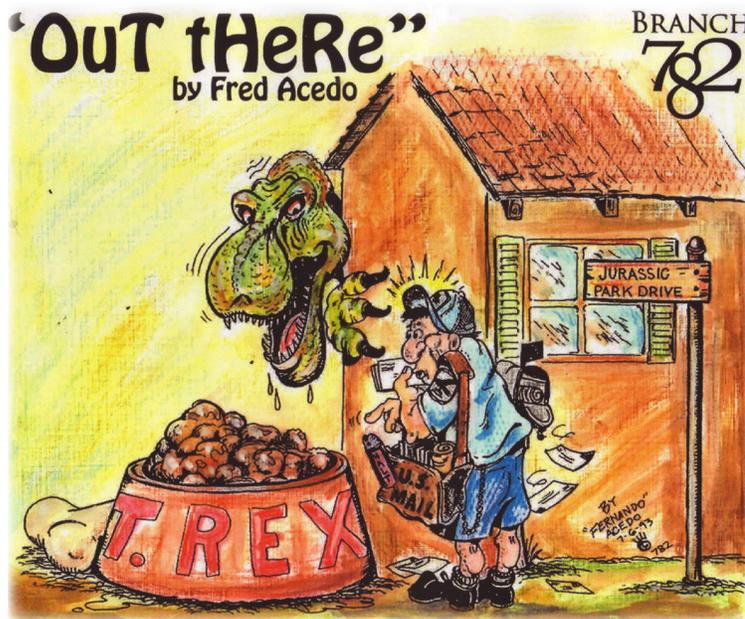
\$20 for the book...



ONLY \$20 for seven years of cartoons!!!
And, make a donation to MDA, too!

When the books are gone....they're gone!
This is going to be a *VERY* limited edition!

Books will be on sale to delegates at the NALC National Convention in August 2010 in Anaheim and to our NALC Branch 782 members at the General membership meeting on July 27.



Cartoonist Fred Acedo—
pen-in-hand—will be available
on the first 3 days of the NALC

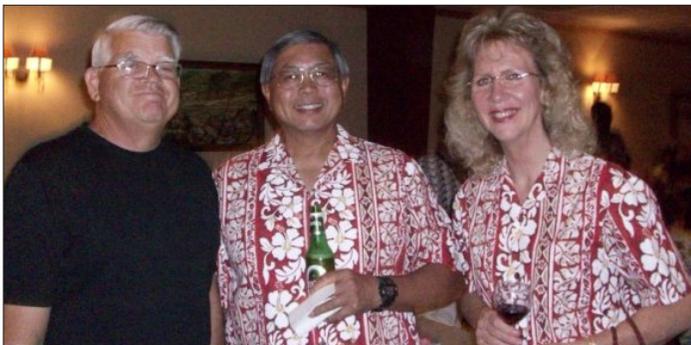


Convention to
autograph
books and to
take input for
new cartoon
material!

Please let your NALC Shop Steward know if you want to buy a copy

Orders for the books are going fast...

Books will be on sale at the July General Meeting!



Congratulations, Paul!



All is well that ends well, so the saying goes, and Paul McCarthy's career ended well!

Well, it ended with a fabulous dinner party of course! We tied on the "ol' feed bag" at Benji's Basque Cafe and ate, and ate, and ate!

When I arrived—fashionably late—the parking lot was full, but still inviting, as I found a place to park.

The guest of honor was out front with some friends, so I quickly started snapping some pictures. Basil had asked me to do this for him since he could not attend. I walked into the banquet room to a lively crowd, conversations all around, the atmosphere was electric, very high energy.

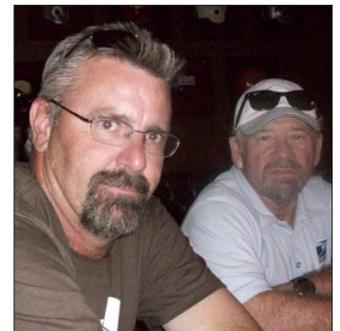
The event was to start at 6:00 p.m. (which it did), but "Mrs. Fraaney" had to tap on a glass to get everyone to sit down so they could start serving. Not an easy task as—like I said—folks were very busy catching up on details of each other's lives, discussing their own retirement activities, grandchildren, politics... all the usual bladeblabla.

After about an eight-course meal the organizer of the evening, Annie Franey, got up to start the little speeches part. Paul had some stories to tell. His good buddy, Ray Franey, had a few words to share. Not to be outdone, John Howlett got up and gave his two-cents worth!



I got up to say how much I am going to miss Paul. Our big shade tree that we shared for our break won't be the same without him. I was going to get a picture of us there on his last day but he was waaaay earlier than me that day. It was really a great night! Thanks to "Mrs. Franey" for putting it all together.

That's all for now,
Jay PW



2010 NALC HBP Info



| | |
|-------------------------------------|----------------|
| NALC Health Benefit Plan | 1-888-636-6252 |
| *Hospital Pre-Certification | 1-877-220-6252 |
| *** Mental & Substance Precert. | 1-877-468-1016 |
| Drug Prescription Retail | 1-800-933-6252 |
| CareMark Hearing Impaired | 1-800-238-1217 |
| *** CareMark Specialty Pharmacy | 1-800-237-2767 |
| *** Durable Medical Eqpt. | 1-888-636-6252 |
| CareMark Specialty Pharmacy | 1-800-237-2767 |
| Durable Medical Equipment | 1-888-636-6252 |
| Nurse Assistant (24/7) | 1-877-220-6252 |
| CareMark Pharmacist | 1-888-636-6252 |
| Enhanced Eldercare Services (24/7) | 1-877-468-1016 |
| CIGNA PPO Dr's & Facilities | 1-877-220-6252 |
| ***CIGNA Transplant Approval | 1-800-668-9682 |
| Quest Diagnostics (Lab Services) | 1-877-220-6252 |
| Quit Power (Smoking Cessation) | 1-877-784-8797 |
| CIGNA Health Rewards (Discounts) | 1-800-870-3470 |
| CIGNA Dental Discount Program | 1-877-521-0244 |
| **** Disease Management Program | 1-800-227-3728 |
| MEDICARE Managed Care Plan | 1-800-633-4277 |
| OPM Retirement Info Center | 1-888-767-6738 |
| Federal Information Center | 1-800-688-9889 |
| Social Security Administration Info | 1-800-772-1213 |

* Failure to pre-certify will result in a \$500 reduction in benefits paid by the Plan. Must notify the Plan prior to hospital admission with doctor name and dates. ** Mail order drug prescription program long term (maintenance drugs) 60 day supply: \$8 generic, \$43 name brand; 90 day supply: \$5 NALC select generic, 12 generic, \$65 name brand. Preferred Retail Pharmacy, 20% generic, name brand 30%. MEDICARE 60 day supply: \$7 generic, \$37 name brand; 90 day supply: \$4 NALC Select Generic, \$10 generic, \$55 name brand. Prior approval required for some drugs. Certain bio-tech drugs(e.g. Asthma, Diabetis, organ rejection) require prior approval before dispensing. Must call the Plan. **1-800-237-2767.**

Mark Ramirez
(661) 834-5011

Branch 782 MBA & HBR Representative

NALC Health Benefit Plan
20547 Waverly Court
Ashburn, VA 20149

NALC Prescription Drug Program
P.O. Box 94467
Palatine, IL 60094-4467

NALC Drug Prescription Program
"Claims"
P.O. Box 521926
Phoenix, AZ 85012-2192

Optimum Health Behavioral Solutions
P.O. Box 30755
Salt Lake City, UT 84130-0755
Questions: 1-877-468-1016

Preferred Provider (PPO)
Cost: \$15.00
Co-pay per office visit

Preferred Provider (PPO)
Deductible
\$300 Individual
\$600 Self & Family
Per Calendar Year

| | |
|--------------------------------|---|
| Center for Disease Control | http://www.cdc.gov |
| National Library of Medicine | http://www.nlm.nih.gov |
| American Public Health Assoc. | http://www.alpha.org |
| American Cancer Society | http://www.cancer.org |
| American Heart Association | http://www.americanheart.org |
| American Lung Association | http://www.lunusa.org |
| Diabetes Foundation | http://www.diabetis.org |
| Muscular Dystrophy Association | http://www.mdausa.org |
| JAMA Asthma Information Center | http://www.ama.assn.org/special/asthma |
| Your Personal Health Record | http://www.nalc.org/depart/hbp |
| National Patient Safety | http://www.npsf.org |



Branch Officers

| | | |
|----------------------------|-------------------------|-----------------------|
| President | Mike Towery | (661) 331-9171 |
| Vice-President | Darryl Holderman | (661) 332-9201 |
| Recording Secretary | Kim Gerdes | (661) 834-2059 |
| Treasurer | Molly Biggar | (661) 832-0393 |
| Financial Secretary | Anita Holderman | (661) 332-9201 |
| HBP & MBA | Mark Ramirez | (661) 834-5011 |
| Sargeant-at-Arms | Jerry Patterson | (661) 699-2462 |
| Chief Trustee | Lucinda Martinez | (661) 327-2898 |
| Trustee | Bill Curtis | (661) 323-1107 |
| Trustee | Danny Blair | (661) 397-8107 |

E.A. BAKER UNION UPDATE is published monthly by Merged Branch 782 of the National Association of Letter Carriers, AFL-CIO.

The opinions expressed in this publication are those of the writer and are not necessarily those of the publication staff or of the Officers of the Branch.

The information contained in this publication is true and complete to our best knowledge. All recommendations, on equipment and procedures are made without guarantees on the part of the authors or of the organization. Because the quality of equipment, services and methods are beyond our control, the organization and its publication authors disclaim all liability incurred in connection with use of this information.

Information in this publication may not be used for illegal purposes.

We invite all members to contribute articles for publication. Copy, if possible, should be double-spaced (but doesn't have to be) but **MUST** be signed by the contributor.

The Editor retains the right to edit, delete, or reject the article for the good of the Branch (and even this is subject to persuasion).

In the hope that material contained herein may be of benefit to the goals of the National Association of Letter Carriers, permission is hereby granted to other NALC Branches to copy or use material and/or cartoons promulgated in this publication with our best wishes...but remember to cite/give us some credit.

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Anita Holderman, Branch Photographer
(661) 589-1683

Christopher A Chretien (Kree-shun)
Branch 782 Special Project Facilitator
(559) 801-8645

NALC Branch 782 Shop Stewards

| | | |
|----------------------------|------------------|----------------|
| Avenal (93203) | Vacant | |
| Arvin (93209) | John Ortega | (661) 809-8140 |
| Delano (93215) | Gracie Silva | (661) 325-5526 |
| Lamont (93241) | Darryl Holderman | (661) 589-1683 |
| McFarland (93250) | Robert Campos | (661) 805-1034 |
| Shafter (93263) | Norma Hamer | (661) 619-1465 |
| Taft (93268) | Mike Meza | (805) 625-4541 |
| Wasco (93280) | Jerry Patterson | (661) 699-2462 |
| Wasco Alternate (93280) | Mabel Lyons | (661) 900-8892 |
| Downtown Station (93301) | Kim Gerdes | (661) 834-2059 |
| South Station (93304) | Darryl Holderman | (661) 589-1683 |
| South Station Alternate | Judy Kiyoshi | (661) 817-5529 |
| East Bakersfield (93305) | Paul Salazar | (661) 303-3603 |
| East Bakersfield Alternate | Teresa Ortega | (661) 201-3086 |
| Hillcrest Station (93306) | Pam Smith | (661) 979-5854 |
| Brundage Station (93307) | Mabel Bullis | (661) 496-5679 |
| Brundage Station Alternate | Emma Gonzalez | (661) 333-7547 |
| Dole Court (93308) | Mike Towery | (661) 331-9171 |
| Dole Court Alternate | Shari Sharpe | (661) 364-5544 |
| Stockdale Station (93309) | Randy Courson | (661) 345-0256 |
| Stockdale Station (93309) | John Ortega | (661) 809-8140 |
| Camino Media (93311/13) | Mike Meza | (805) 625-4541 |
| Mojave (93501) | Vacant | |
| California City (93504) | Paula Hogg | (760) 373-8963 |
| Boron (93516) | Paula Hogg | (760) 373-8963 |
| Edwards AF Base (93526) | Larry Beem | (661) 949-2280 |
| Ridgecrest (93555) | Lynnell Howell | (760) 371-1039 |
| Tehachapi (93561) | Mary Morphis | (661) 822-6614 |
| Trona (93562) | Vacant | |

Branch 782 Website

www.782nalc.com

Rick Plummer webmaster@www.782nalc.com

National Association of Letter Carriers
"Golden Empire Branch 782"
2628 "F" Street
Bakersfield, California 93301
(661) 325-5526

ADDRESS SERVICE REQUESTED

General Meeting
Tuesday
July 27, 2010
7:00 p.m.

Branch 782 Office
2628 F Street
Bakersfield, California



Non-Profit Organization
U.S. Postage
PAID
Bakersfield, California
Permit Number 32

**Congratulations go out to
Sandy Huse & Paul McCarthy
as they both smile and join the
"Last Punch Bunch"**



July 2010
Branch 782
General
Membership
Meeting
Drawing

\$500

THERE IS ONE "CATCH" ...
YOU HAVE TO BE PRESENT TO WIN.

TIME-VALUE MAIL—PLEASE EXPEDITE

OUT THERE

