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LEGAL UPDATE

United We Matter is a volunteer organization, comprised of elderly and disabled State retirees, that was created in direct response to legislation passed by the Maryland General Assembly that eliminated prescription drug coverage for State Retirees 65 and older or disabled. It seeks to preserve the rights, pensions, and benefits of retired Maryland State employees. Our current fight is to reinstate a benefit that was earned by State retirees after years of dedicated service – prescription drug coverage.

Below is the latest legal update. This applies to active and retirees who vested (had at least five years) in the Prescription drug program prior to July 1, 2011

A. U.S. District Court -Judge Messitte

Retirees who retired prior to July 1, 2011. On December 30, 2021, the Court issued a ruling stating that a contract did exist for retirees who retired prior to 2011. That ruling is to be appealed to the US Court of Appeals by the State of Maryland.

Retirees who retired between July 1, 2011, and December 31, 2018. The Court also stated that a colorable claim could be made for a contract for retirees who retired after July 1, 2011, until December 31, 2018. That ruling is to be appealed to the US Court of Appeals by the State of Maryland.

Retirees who retired after December 31, 2018. The Court dismissed the claim for any State employee who retired after December 31, 2018, and had at least five years of service prior to July 1, 2011. An appeal has been filed on behalf of any retiree who had worked at least 5 years before July 1, 2011, to the US Court of Appeals.

B. United States 4th Circuit Court of Appeals.

As a direct result of AFSCME appealing Judge Messitte's order the 4th Circuit Court of Appeals has ruled that a contract does not exist for current employees and retirees, even though the 4th Circuit never heard Retirees' argument. Consequently, the District Court has dissolved the injunction that has been in place since October of 2018. The State indicates that State retirees who are 65 and older or disabled will have to register for Medicare Part D in 2025.

From the beginning, the lawsuit sought relief for all Medicare-Eligible State Retirees who vested into Employee and Retiree Health and Welfare Benefit Program by completing five years of service before July 1, 2011. The lawsuit still seeks that outcome.

The attorney has filed a Notice of Appeal to the Fourth Circuit. If the 4th Circuit dismisses our appeal, we will seek relief in the U.S. Supreme Court (if we have the funds). Appeals are not cheap so a separate account has been created just for appeal costs. If you wish to donate by debit or credit card go to www.givesendgo.com, and just type in Ken Fitch. If you wish to donate by check, please send it to Retirees Matter, Inc., P.O. Box 44102, Nottingham, MD 21236. Retirees Matter, Inc., is a 501(c)(3) organization and donations are tax deductible.

Help us fight against this injustice. Go to www.unitedwematter.com and click JOIN US.

Respectfully,

Ken Fitch

Ken Fitch
President