

Ombudsman's Determination

Applicant	Mr D
Scheme	Apple UK Pension Plan (the Plan)
Respondents	Apple Computer (UK) Ltd, Apple UK (Apple)

Outcome

1. I do not uphold Mr D's complaint and no further action is required by the Respondents.
2. My reasons for reaching this decision are explained in more detail below.

Complaint summary

3. Mr D's complaint is that Apple has been unable to find any records relating to his preserved pension which was last valued in 1999 at approximately £41,000.

Background information, including submissions from the parties

4. Mr D was a deferred member of the Plan.
5. On 29 November 1999, the Trustees of the Plan sent Mr D a letter and enclosed his pension statement which showed a total fund value of £41,782.12 as at 30 June 1999. Mr D did not receive any other pension statements after this.
6. In 2010, the Plan was wound up by the Trustees and the benefits were secured through buy-out policies with Standard Life.
7. In November 2012, Mr D contacted Apple to enquire about his pension. Between 2012 and 2014, correspondence was exchanged between Mr D and Apple about what might have happened to it.
8. Apple says that it takes the provision of benefits for its employees and former employees very seriously and has been actively investigating the matter.
9. Apple had made enquiries with its previous administrators including Entegria who were acquired by Xafinity, Standard Life, SJB, Bluefin, Capita and JLT. Mr D contacted the Pension Tracing Service who redirected him back to Apple. Apple said that none of the administrators had any record of what had happened to his pension.

10. During its investigations, Apple said that the scheme had been wound up in 2010 and benefits had been transferred to Standard Life however Standard Life did not have any record of Mr D's pension. Standard Life has also confirmed to the Pensions Ombudsman that Mr D did not appear on any of their spreadsheets relating to the wind-up.
11. Mr D asked The Pensions Advisory Service (**TPAS**) for assistance in 2014. TPAS contacted Apple and the various administrators who all maintained that they did not hold any up to date records of Mr D's pension.
12. Mr D would like his pension reinstated with the full potential value that should have accrued since June 1999. He would also like an apology from Apple for years of frustration.

Adjudicator's Opinion

13. Mr D's complaint was considered by one of our Adjudicators who concluded that no action was required by the Respondents. The Adjudicator's findings are summarised briefly below:-
 - Apple accepts that Mr D's pension records have not been found. There is no dispute that a problem has occurred and that Mr D has suffered stress, frustration and anxiety at not knowing what has happened to his pension. He believes he has lost his pension which in 1999 was valued at approximately £41,000.
 - The scheme was wound up by the Trustees in 2010. The responsibility for ensuring that the scheme is wound up properly, lies with the Trustees. Prior to the winding up, the Trustees would be responsible for ensuring the protection of any deferred benefits. Mr D has complained to Apple however it was not responsible for the winding up or the administration of the scheme. The two entities are deliberately kept separate.
 - The scheme changed administrators a number of times prior to 2010 and it is possible that the benefits went missing before the scheme was wound up. A paper trail is not currently available although Apple and TPAS have contacted the various administrators for details who all say that they do not hold any records for Mr D.
 - As Mr D's former employer, the Adjudicator did not consider the complaint could be upheld against Apple. Apple is not responsible for the missing pension benefits.
14. Mr D did not accept the Adjudicator's Opinion and the complaint was passed to me to consider. Mr D has provided his further comments which do not change the outcome. I agree with the Adjudicator's Opinion, summarised above, and I will therefore only respond to the key points made by Mr D.

Ombudsman's decision

15. Mr D accepts Apple that is not liable but feels that there is a clear case of maladministration by the Trustees and he does not understand how the Trustees cannot be held to account just because they decided to wind up the plan.
16. Mr D has made a number of comments about the Trustees' duties which I have carefully considered. However, the complaint which has been investigated is against Apple and not the Trustees. My decision is limited to the complaint against Apple and there is no evidence of maladministration on its part. As the employer, Apple was not responsible for the winding up of the scheme, the Trustees were.
17. Therefore, I do not uphold Mr D's complaint

Anthony Arter

Pensions Ombudsman
28 July 2017