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BURNS

Wednesday, 10th July, 2013.

My Ref: PB2013.
Your Ref: BW/HLG.

My Pensions and Gratuity.

Dear Sir,

The Facts

These are the facts:

1. It is a fact that Mr.Burns received a service injury in the course of firefighting duties in Belfast City;
2. It is a fact that the DWP decided that Mr.Burns had received an Industrial Injury in the course of his operational duties;
3. It is a fact that the Fire Authority decided that Mr.Burns's injury was a 'qualifying injury' under the terms and conditions of the 1992 Fire Authority Pension Scheme, SI 129(The Scheme);
4. It is a fact that the Fire Authority initiated a Medical review and decided that Mr.Burns met their terms for ill health retirement as disabled("Disabled" means "incapacity through physical or mental infirmity for the performance of duty.");
5. It is a fact that the Fire Authority decided to compulsorily bring Mr.Burns's employment Contract to an end;
6. It is a fact that the Fire Authority decided on the terms on which Mr.Burns should leave;
7. It is a fact that the Fire Authority decided to compulsorily discharge Mr.Burns from the Service in 1996 under Rules A15 and Rule B3 (enhanced ill health) & Rule B4(Injury pension) of the Scheme;
8. It is a fact that the Fire Authority decided to award Mr.Burns under Rule B3 an 'enhanced ill-health pension';
9. It is a fact that the Fire Authority decided to award Mr.Burns a B4 Injury pension;
10. It is a fact that the Fire Authority decided to award Mr.Burns an Injury Gratuity;
11. It is a fact that the Fire Authority decided to award Mr.Burns Ill-health and injury benefits which are paid to compensate him for the termination of his working Service life;
12. It is a fact that the Fire Authority then decided to incorrectly pay Mr.Burns a Rule B1 Ordinary pension in contradiction of their own stated discharge intention to correctly award Mr.Burns an enhanced Rule B3 ill-health pension and Rule B4 Injury pension under the Scheme Rules;
13. It is a fact when Mr.Burns brought these errors to the attention of the Fire Authority in Court the Fire Authority perversely decided not to act to comply with their Statutory duty under the Terms,Conditions, and Rules of the Statutory Instrument No:129 to correct their errors; in addition acted perversely and contrary to advice contained in the applicable Home Office First Edition "Commentary" in respect of the correct procedure to be followed under Rules B3 and B4; have acted contrary and perversely to the same advice reproduced in the 'Review of Ill-health Retirement in the Public Sector'; and have failed to follow the Statutory Rules which they are required to by law;

14. It is a fact that when asked for an explanation of these errors by Mr. Burns the Fire Authority failed to produce authoritative independent actuarial evidence to support their position and decisions;
15. It is a fact that the Fire Authority have deliberately failed to recognise that there exists no defined 'progressional' promotion system advancing from rank to rank within the UK Fire Service and furthermore fails to recognise the historical fact that the projected promotion of any pensioner is, and remains, a major consideration and evaluation when any pensioner, who has been injured in service, has lost their career with its future;
16. It is a fact in law, that the duty lies upon the Fire Authority, with all the *independent* actuarial means at its disposal to demonstrate publicly to Mr. Burns that they have paid and are paying his correct pensions. The burden of proof does not lie with Mr. Burns to do so;
17. It is a fact that in the pension 'dialogue' which the Fire Authority had imposed on them by the Court sought to perversely use the incorrect the 'Commentary' Edition(2008) as though it applies to his pension; have deliberately 'misunderstood' and misquoted the law, and its applicable SI129;
18. It is a fact that the Fire Authority have refused to have Mr. Burns's pensions and gratuity independently audited;
19. It is a fact that the Fire Authority decided unilaterally to discontinue the dialogue to obtain a 'common position' with Mr. Burns in resolving their errors when appraised of their wilful deceit;
20. It is a fact that the Fire Authority have failed to publish to Mr. Burns the detailed documentation germane to the Internal Dispute Resolution Procedure which is required under S50 of the Pensions Act 1995 and under National Joint Council agreements and how these procedures are to be implemented;
21. It is a fact that the Fire Authority by terminating their dialogue have automatically exhausted Stage I of that procedure and must now move to implement Stage II which is to place this issue before the Elected Members of the CFA, if only to exhaust the Internal Dispute Resolution Procedure a pre requisite to moving on to other methods of resolution;
22. Mr. Burns invites the Fire Authority, once more, to recalculate his pensions correctly based on the supplied data for these options which is produced using the strict terms of the Statutory Instrument allied with the supporting data from the 'Commentary'. This is a simple accountancy/audit exercise to ensure that the monies(with interest) now overdue for the past 16.9 years(as of writing) are paid to Mr. Burns and that he receives the correct pensions for the remainder of his life.

Yours Truly,



Paul P. Burns. GIFireE

Divisional Fire Officer (Rtd)

The Pay Formula.

1. In 1977 Fire Service pay and conditions were regulated for all ranks up to Asst. Chief Fire Officer by the National Joint Council for Local Authority Fire Brigades(NJC) which included representative bodies of employees, and (with the exception of additional London 'weighting'), pay scales and conditions have always, to date, been applied nationally across the UK.
2. The Fire Service had its first national strike on the 7th November 1977. The strike ran for a period of 10 weeks culminating in an NJC negotiated settlement which produced a successful pay mechanism known for the next 25 years as the 'Pay Formula'.
3. Mr.Burns was a co-author of the 'Pay Formula' in conjunction with a Senior Economics Lecturer(Mr. Michael Hynes) at the Preston Polytechnic((Today's UCLAN University). The Formula linked a Leading Fireman's wage on Page 50 of the 'New Earnings Survey' to the upper quartile of the semi-skilled labour market. The concept was simple. Fire-fighters pay scales would be linked and reflect, one year behind, the national economy.
4. All pensioners contributed 11% of their gross salaries to their pension Fund. Every year preliminary NJC discussions in mid-summer concluded with an agreed across the board percentage pay settlement which was always implemented on the 7th of November of each year.
5. In pension practice, for example, this would mean when establishing 'Average Pensionable Pay'(APP) over the 'best year of the last 3 years of service' that two part year's pay scales may be used in calculation for pension determination to establish the correct APP.
6. In Mr.Burns's case the 'best year' was his final year of service taken to be the 1st February 1996 to 31st January 1997 thus the applicable pay scales for his compulsory discharge documents were part 1995 and part 1996 pay settlements.

Applicable Reference Documents for Correct Pension Calculation.

7. (a) Firemen's Pension Scheme Order 1992; Statutory Instrument 129; ISBN 011023129-5(original hard copy with amendments held): S.I.129; Schedule 2; Part III (Ill-Health Pension); and Part V (Injury Awards); are the applicable schedules;
 - N.B.1. This SI must comply with the Pensions Act 1995 and its provisions override all 'commentaries'.
 - N.B.2. The original S.I.129, up to and including 1997, is the applicable legislation, the terms of which ought to have been applied to my pensions when I was compulsorily retired in 1997.
 - N.B.3. Later amendments incorporated in S.I.129 in 2002+ are not relevant , nor are they retrospective to my 1992 pension Scheme.
- (b) The Home Office 'Commentary on the FireFighters' Pension Scheme' (original hard copy with amendments held). First published in 1992-FIN/92 247/38/1, Home Office Finance Division 2.

The Commentary on the Fire-fighters Pension Scheme was prepared by this Division with help and advice from fire authorities, staff associations, and other government departments notable of whom was the Government Actuary's Department(GAD).

'The purpose is to help those who use the Scheme to understand its provisions, bearing in mind that such guidance cannot replace or override those provisions';

N.B.1. The Commentary was and remains the unchallenged practitioners vade mecum for Scheme managers to correctly calculate all 1992 Scheme pensions. It has been in daily use by all Fire Authorities for 21 years, and remains the current Scheme point of reference for all 1992 based pensions.

This first 1992 Edition Commentary was amended on 14 occasions commencing on 14.04.2002 and concluding on the 26.5.2003. Amendments have no impact either directly or indirectly or in retrospection on my Complaint.

N.B.2. The applicable 1992 First Edition 'Commentary' ought not to be confused with the 'Second Issue-September 2008' Guide which is not relevant to my pensions. In particular guidance contained in the archived sections of the 'Second Issue-September 2008' to the older 1992 FPS does not apply to my Complaint.

'Commentary' Pages A10-1;A13-1;A15-1; Pages B1-1 to B1-2; B3-2 to B3-3 including Examples 1;4-7; Pages B4-1 to B4-5 including Examples 1-4; Page K1-1; are all the reference sections:

- (c) The Commentary Page A10-1 defines permanent disablement ... *"you(or a child)are permanently disabled, if at the time in question, your disablement is considered likely to be permanent."*
- (d) The Commentary Page A13-1 defines retirement age... *"Compulsory retirement age", as 'Assistant Divisional Officer or above', 'Age of compulsory retirement' as '60'. I was discharged above this rank as a Divisional Officer Grade II.*
- (e) The Commentary Page A15-1defines compulsory retirement... *"If your fire authority consider that you are permanently disabled(See A10-1),they may:* require you to retire on whatever date they choose"*
- (f) The Commentary Page B1-1 defines an Ordinary Pension as ... *"In the first place, you must be a regular firefighter, have completed 25 years pensionable service and have reached age 50, to be eligible for an ordinary pension"*
- (g) The Commentary Pages B3-2; B3-3, defines the correct counting of 60ths (including Examples1;4-7) which ought to have led to the application of the correct ill-health pension calculating formulae with the resultant provision of a Rule B3 *"enhanced ill health"* pension with a Rule B4 Injury Pension and Injury Gratuity(the latter being a once only payment).
- (h) The Commentary Page B3-2 defines *"How much is the pension?" ... "and never more than 40/60ths(2/3rds) of APP, or what could have been earned by compulsory retirement age".*
This is a direct reference to my *"notional retirement pension"*.
This section also defines the counting of 60ths for pension calculation purposes with specific reference to *"(ill-health enhancement)"* and how *"and, In addition"* 60ths are to be counted towards an enhanced Ill-Health Pension.
- (i) The Commentary Page B3-3 Para (2) reiterates in changed prose for emphasis and defines...

“never more than 40/60ths of APP, or what you could have earned by your compulsory retirement age.”

(j) Had the fire authority done so in 1997, when correctly calculating my enhanced Rule B3 Ill-Health Pension and my Rule B4 Injury Award by applying the correct formulae, they were required to address two fundamental questions when calculating my ‘*notional (hypothetical) pension*’:

(a) What “*you could have earned by your compulsory retirement age*”...namely the projected pay scale which I would have been earning by age 60 and intrinsic to that my Average Pensionable Pay (APP);

- What I “*could have earned*” in 2003 is a simple exercise of calculating the average percentage of pay settlements of all 18 x annual pay scale settlements (Ignoring upper quartile advancement in 1978-1980) prior to 1997 by using actual data from the 1977/8 Pay Formula records up to my point of retirement on 31st January 1997.
- The average pay settlement during the period 1980-1997 was 7.04% pa.
- This average percentage should then have been projected forward for the next 6.41 years to my compulsory retirement point to establish what I “*could have earned*” in 2003 (ignoring for the moment any promotional advancement).

and;

(b) the future substantive rank (if promoted further based on my past career performance) which I could have expected to achieve by 2003 above my substantive rank in 1997.

(k) The Commentary Page K1-1 on Rule K1, Para 5, defines an enhanced ill-health pension:

‘The broad purposes of your ill-health pension are to compensate you for the interruption of your career, and (once you reach the age when you could have retired with a pension) to take the place of a retirement pension.’ (my underline).

(l) In respect of my Complaint no case law; no Court direction; no authority other than quoted exists on the particulars in question, nor is it necessary. This is a matter of misfeasance; malfeasance; and/or maladministration at this point; of errors in accountancy; of a failure to apply S.I.129 correctly; and the misapplication of ill-health and injury award calculating formulae contained therein.

Relevant pages extracted from the 1992 Home Office Commentary are attached.

Pre-Compulsory Retirement:

8. Mr. Burns was promoted to the temporary Rank of Divisional Officer Grade II on the 19th April 1993. Mr. Burns was then whilst in service in that temporary rank appointed to the substantive Rank of Divisional Officer Grade II on the 1st March 1994 (Ref DJS/CD/PRF-2nd February 1994);

9. Mr. Burns’s annual salary on permanent appointment was stated as:

Pensionable base salary	£26,316.00.
+ Pensionable Flexible Duty Supplement of 20%(NJC-01/01/1985)	£5,263.20.

Total Pensionable Pay

£31,579.20.

Compulsory Retirement 31st January 1997.

10. In September 1996 following concerns about his hearing the Authority decided to compulsorily medically discharge Mr.Burns.
11. During the compulsory retirement process the Authority issued Mr.Burns two discharge documents (See Appendix 'F') on which it states he was awarded an enhanced Rule B3 Ill-Health Pension(service prematurely ended) and a Rule B4 Injury Pension(for life),this latter included a once only payment known as an Injury Gratuity,
12. At this point Mr.Burns's pensionable service was 33 years and 188 days(33.52 years) and he was aged 53 years 217 days(53.59 years).
13. Had Mr.Burns not been injured in service and his career prematurely ended by a 'qualifying' injury, he was entitled to serve until aged 60 years(midnight 28th June 2003) in his substantive rank, a further 6 years and 149 days(6.41 years), during which he could have earned further income and career advancement.
14. At the point of compulsory retirement Mr.Burns had held his D.O. Grade II rank for 3.9 years and was on the following maximum pay scale:

Maximum incremental pay 'after 15 years service'	£31,617.00.
+Pensionable Flexible Duty Supplement of 20% (NJC-01/01/1985)	£6,323.40.
Total Pensionable Pay	£37,940.40.

Examination of Discharge Documents.

15. Retrospective examination of archive documents confirms that the Fire Authority, when discharging Mr. Burns, miscalculated his pensions twice, and failed to correctly apply SI129 Scheme Rules and Formulae to his pensions:

- (a) On the first accounting on the 10th September 1996, the length of pensionable service and the APP were incorrect. This document was withdrawn by the Fire Authority.
- (b) On the second accounting on the 13th November 1996, re-issued on the 29th November 1996, the APP was again incorrect; a further freehand correction was required to pensionable service; the Post Code was incorrect; Pension Increase was not correctly paid; and the SERPS deduction was incorrect:
- N.B.01.** Pension Increase was not paid from the commencement of Mr. Burns's B1/B3 pension which it ought to have been until he was 55 under the 'Commentary' 'PI' section Annex1-7.
- N.B.02** -National Insurance Modification(SERPS), Schedule 2 Part VII 16X27.20=£435.20 has been incorrectly deducted. See Rule A7(1) & 'Commentary' BGen-2 to-4 & 'Commentary' BookBGen-2... ***"The reduction will begin when you reach state pensionable age and continue the whole time your pension is in employment"***.
- (c) In addition other major Rule misapplications were evident.
- (d) Both accounts stated that the Fire Authority had decided to award an enhanced Rule B3 Ill-Health Pension(service prematurely ended) and a Rule B4 Injury Pension(qualifying) with an Injury Gratuity to Mr. Burns.
- (e) The 'Commentary'(K1-1) on Rule K1Para 5 defines an enhanced ill-health pension as:
'The broad purposes of your ill-health pension are to compensate you for the interruption of your career, and (once you reach the age when you could have retired with a pension) to take the place of a retirement pension.'
- (f) In contradiction to these two statements examination of the discharge accounts confirms that the Fire Authority then misapplied the Rule B1Ordinary Pension(time served) formula to the pension calculation instead of the correct application of the Rule B3(service prematurely ended) enhanced Ill-health Pension formula.
This latter formula is actuarially designed under SI129 Scheme Rules to compensate Mr. Burns for the loss of his career in financial terms, due to his 'qualifying' injury.
- (g) The calculation of all pensions is based on Average Pensionable Pay(APP) which the Commentary states is... ***'the sum total of your pensionable pay during the last year, on the date when it needs to be decided(the "relevant date")'***, in this case 31st January 1997, the last day of his service.
- (h) The Fire Authority decided that Mr. Burns's '**highest**' APP(the best year of last 3 years) was taken to be the year commencing on the 1st February 1996 until 31st January 1997. This latter date is also a legal reference point for the 'actual' APP in future SI129 calculations.
Calculating Mr. Burns's APP required the use of two Pay Scales, namely a part of the pay scale for 1995(implemented on 7th November 1995), and, a part of the pay scale for 1996(implemented on 7th November 1996).

- (i) The Fire Authority calculated that Mr.Burns's APP was £35,031.36. This was also incorrect.
- (j) The Commentary formula correctly applied is as follows:

$$1995- \frac{\pounds 34,675.20 \times 280(\text{days})}{365} = \pounds 26,600.15.$$

$$1996- \frac{\pounds 36,201.60 \times 86(\text{days})}{365} = \pounds 8,529.69.$$

The correct Average Pensionable Pay(APP) was = £35,129.84.

There is an underpayment of £98.48pa. = £98.48pa.

16. The Fire Authority by failing to apply the correct enhanced Rule B3 Ill-health Pension formula have also failed to comply with the terms of S1129; Schedule 2; Part III; Paragraph (5) which is fully elucidated in S1129. This deals with the description 'notional retirement pension'.

The notional(hypothetical) retirement pension is the pension that Mr.Burns would have earned aged 60 had he not been injured and compulsorily discharged from the Service.

- (a) In summary, the Fire Authority at compulsory retirement in 1997 used the **wrong formula**, a Rule B1 Ordinary Pension formula, instead of the correct formula namely an '**ill-health enhancement**' Rule B3 Pension formula (Commentary B3-2 to B3-5 refers) to miscalculate and pay Mr.Burns the wrong pension from commencement;
- (b) As a consequence of using the wrong Rule B1 Ordinary Pension formula as a base pension calculator instead of the correct formula for an enhanced Rule B3 Ill-Health Pension, Mr.Burns's Rule B4 Injury Pension and his B4 Injury Gratuity which are interdependent and linked in calculation to his enhanced Ill-Health Pension are also automatically miscalculated in underpayment.
- (c) The incorrectly calculated Discharge account and re-calculated Discharge account which ought to have been paid are in Appendices 'E' & 'F'.

The Remedy.

17. Had Mr.Burns he not been injured, could have served until his 60th birthday 29th June 2003, a further 6 years and 149 days(6.41 years) of productive service and thus have attained his '**notional retirement pension**', or Rule B1 Ordinary Pension and thus APP, at the rank and pay scale he would then have attained.

The 'Commentary' defines in a chart (Page A13-1), '**Compulsory retirement age**' as '**Assistant Divisional Officer or above**' (Mr.Burns as a Divisional Officer Grade II-above); '**Age of compulsory retirement**' as '**60**'.

At this point of 'compulsory retirement age' he also had the opportunity to apply to his authority for an extension to his service for his own purposes, if he desired, and they approved, e.g., for APP purposes.

18. The S.I.129; Schedule 2; Part III (Ill-Health Pension); and Part V (Injury Awards); are the applicable sections; the Home Office 'Commentary' Pages B3-2 to B3-3 including Examples 1;4-7; 'Commentary' Pages B4-1 to B4-5 including Examples 1-4 are all the reference sections.

19. The 'Commentary'(K1-1) on Rule K1Para 5 defines an enhanced ill-health pension as:

'The broad purposes of your ill-health pension are to compensate you for the interruption of your career, and(once you reach the age when you could have retired with a pension) to take the place of a retirement pension.'

20. The 'Commentary' page B3-2, under section ***'How much is the pension?'*** defines...
'and never more than 40/60ths(2/3rds) of APP, or what could have been earned by compulsory retirement age'.
This is a direct reference, once more, to Mr.Burns's ***'notional retirement pension'***.
This section also defines the counting of 60ths for pension calculation purposes with specific reference to ***'("ill-health enhancement")'*** and how ***'and, In addition'*** 60ths are to be counted towards an enhanced Ill-Health Pension.
21. The 'Commentary' page B3-3 Para (2) reiterates in changed prose emphasis and defines...
'never more than 40/60ths of APP, or what you could have earned by your compulsory retirement age'.
22. The Fire Authority, had it done so in 1997, when correctly calculating Mr.Burns's enhanced B3 Ill-Health Pension by applying the correct formula, were required to address two fundamental questions when calculating Mr.Burns's ***'notional(hypothetical) pension'***:
- (b) What ***'you could have earned by your compulsory retirement age'***...namely the projected pay scale which Mr.Burns would have been earning by age 60 and intrinsic to that his APP;
- What Mr.Burns 'could have earned' in 2003 is a simple exercise of calculating the average percentage of pay settlements of all 18 x annual pay scale settlements (Ignoring upper quartile advancement in 1978-1980) prior to 1997 by using actual data from the Pay Formula records, up to the Mr.Burns's point of retirement on 31st January 1997.
 - The average pay settlement during the period 1980-1997 was 7.04% pa.
 - This average percentage is then projected forward for the next 6.41 years to his compulsory retirement point to establish what he 'could have earned' in 2003.
- N.B.1. On the 13th June 2003 the Joint Secretaries of the NJC jointly agreed in Circular NJC01/03 a pay increase 'expressed as an average of 7%' across all ranks for 97/98.
This applied to Mr.Burns who would have been due to be compulsorily retired aged 60 at midnight on the 28th June 2003 and is confirmed by Rule B3 as ***'what you could have earned by your compulsory retirement age'***; This increase is included in the average percentage of pay settlements quoted above:**
- and;**
- (b) the future substantive rank(if any) based on his past career performance he would have expected to have advanced to in 2003 above his substantive rank in 1997.
- Mr.Burns at compulsory retirement was, after almost 4 years in the rank, eminently professionally qualified(if not by service) to be promoted to the rank of Senior Divisional Officer(From 2003- known as Area Manager 'B') there being no Divisional Officer Grade I following its elimination in Lancashire in the Rank Structure Review carried out in 1993;
 - That Mr.Burns was eminently professionally qualified is beyond doubt; that his character was beyond reproach was confirmed by his honourable discharge and official reflections by his Chief Fire Officer; by other Senior Ranks archived in his Personal Record Files; and by contemporary references;

- His remaining service, if he had not been injured, would also have led to further promotions from Senior Divisional Officer (Area Manager 'B') to ultimately Assistant Chief Fire Officer(From 2003-Brigade Manager), and above;
- Furthermore, his professional competency and integrity was reflected in a lifetime of notable Service and extra-curricular professional achievements (see Appendix 'D').

Pay Scale Projections & Career Options:

23. At compulsory retirement in 1997 Mr. Burns, had he not been injured, had a minimum of 3 career options which he could have accomplished in the remaining 6.41 years of his service until 29th June 2003:

Option-A**D.O.II.(Group Manager 'B').**

Mr. Burns could have remained in service at his substantive rank on the maximum incremental pay scale 'after 15 years' service' for that rank until 29th June 2003:

Pay Scale-Projection of APP.

The Correct APP in 1997 projected forward to 2003 calculates as follows:

1997 correct APP £35,129.84.

2003 projected APP using 7.04% compound average pay increase £56,558.63.
(incl Pensionable F.D. Supplement(20%) and protected LSI)

40/60ths(2/3rds) of which is his correct enhanced ill health pension. £37,705.75.

Option-B.**S.D.O.(Area Manager 'B').**

Mr. Burns, had he not been injured, could have advanced in service to this new rank(supporting references provided) on the maximum incremental pay scale 'after 15 years' service' for this rank until 29th June 2003;

Pay Scale-Projection of APP.

The APP in 1997 projected forward to 2003 calculates as follows:

1997 APP for this rank £43,894.80.

2003 projected APP for this rank using 7.04% average pay increase £66,022.15.
(incl Pensionable F.D. Supplement(20%) and protected LSI)

40/60ths(2/3rds) would be the correct enhanced ill health pension. £44,014.77.

Option-C.**A.C.O.(Brigade Manager).**

Mr. Burns, had he not been injured, could have advanced in service to this new rank(supporting references provided) on the maximum incremental pay scale 'after 15 years' service' for this rank until 29th June 2003;

The APP in 1997 projected forward to 2003 calculates as follows:

1997 APP for this rank £81,900.00.

2003 projected APP for this rank using 7.04% avg pay increase £123,185.76.

40/60ths(2/3rds) of which is his correct enhanced ill health pension. £ 82,123.84.

Option-A. Mr.Burns’s D.O.II Enhanced Ill-health Pension.

27. Calculated using the correct formula for enhanced Rule B3 Ill-Health Pension based on Mr.Burns’s substantive rank in 1997 (including projected pay scales) at June 2003-Less- the incorrect applied Rule B1 Ordinary Pension already paid since 1997.

S.I.129, Schedule 2, Part III, Rule B3, Paragraph 4 (more than 13 years’ service), provides the formulae; supported by the 1992 ‘Commentary’ definitions for the correct calculation of Mr.Burns’s *enhanced* B3 ill-health pension reproduced below; further supported by NJC Circulars:

“

- * The principle is that you count as many 60ths of APP towards your basic ill health pension as you would for an ordinary pension:
 1/60th of APP for each year of service up to 20, plus
 2/60ths of APP for each year of service over 20.

- * In addition you count extra 60ths of APP(“ill-health enhancement”) if you have 5 years’ service or more.

Your basic ill health pension is:

<u>length of pensionable service (1)</u>	<u>No of 60ths of APP counting for pension (2)</u>
less than 5 years	1 for each year (but never less than 1/60 th)
5-10 years	2 for each year.
10-13 years	20
More than 13 years	7 and 1 for each year up to 20 and 2 for each year over 20

”

- ‘A’ is Mr.Burns’s average pensionable pay(APP-revised)(£53,662.84);
- ‘B’ is the greater of one year and the period in years of his pensionable service(33.52);
- ‘C’ is the period in years of his pensionable service(33.52);
- ‘D’ is the period in years of his pensionable service up to 20 years(20);
- ‘E’ is the period in years by which his pensionable service exceeds 20 years X 2
 = (13.52 X 2 = 27.04).

Mr.Burns’s total counted 60ths(including 7/60ths ‘enhanced’) = 54.04.

The *enhanced* Ill Health Pension payable is ‘the greater of’ –

$$\frac{20XA}{60}$$

$$\frac{20XA(£35,129.84)}{60} = £11,680.76.$$

And,

$$\frac{7XA}{60} + \frac{AXD}{60} + \frac{2XAXE}{60} = \text{£xxxxxxx.}$$

$$\frac{7XA(\text{£}35,129.84)}{60} + \frac{A(\text{£}35,129.84) \times D(20)}{60} + \frac{2XA(\text{£}35,129.84)XE(27.04)}{60} = \text{£}47,472.13.$$

Because the calculated APP amount £47,472.13. *does not* exceed Mr.Burns's correctly projected APP £56,558.63 as income which he '**could have earned by your compulsory retirement age**' when calculating his 'enhanced Ill-Health Pension' under SI 129 Para (5), Mr.Burns is entitled to use £56,558.63. as his 2003 APP or '**notional** (hypothetical **retirement pension**'.

28. Applying Para 5(1);(2) and the 'Commentary' B3-3 (2) '**never more than 40/60ths of APP, or what you could have earned by your compulsory retirement age**' the correct payable enhanced Ill-Health Pension should be:

2003 APP	=£56,558.63.
40/60ths(2/3rds) X £56,558.63.	= £37,705.75.

This leaves an underpayment to Mr.Burns by reason of an incorrectly paid Rule B1 Ordinary Pension in 1997, as against what should have been correctly paid, namely, an enhanced Rule B3 Ill-Health Pension as follows:

$$\text{£}37,705.63\text{-LESS- } \text{£}23,354.24 = \text{£}14,351.51\text{pa.}$$

At the base point of re-calculation namely 1st July 2013 Mr.Burns will have been incorrectly underpaid his Enhanced Rule B3 Ill-Health Pension for the term of 16 years and 5 months.

29. **The Mr.Burns is owed the following monies:**
Totals for D.O.II Rank:

(a)1997 original APP discharge calculations were in error by underpayment of	£98.48pa
Underpayment X 16yrs-5mths + 8%Compound interest	Principle £3,323.74.
	Interest <u>£ 250.31.</u>
	<u>Sub-Total £3,574.05.</u>

(b) Underpayment of 1997 APP-2003 APP Ill-health Pension carried forward to date for term of 16 yrs-5mths	£14,351.51pa.
Underpayment for the term of 16yrs-5 mths:	Principle £484,366.69.
Compound Interest 8%	Interest <u>£36,476.85.</u>
	<u>Sub-Total £520,843.54.</u>

(c) Underpayment of B4 Injury Pension 1997 APP to B4 Injury Pension 2003 APP carried forward to date for term of 16 yrs-5mths	£2152.73pa.
Underpayment for the term of 16yrs-5 mths:	Principle £72,655.12.
Compound Interest 8%	Interest <u>£5,471.54.</u>
	<u>Sub-Total £78,126.66.</u>

(d)Underpayment of B4 Injury Gratuity 1997 APP to B4 Injury Gratuity 2003 APP carried forward to date for term of 16 yrs-5mths	£334.30pa.
Underpayment for the term of 16yrs-5 mths:	Principle £11,282.70.

Compound Interest 8%	Interest	£849.68.
	Sub-Total	<u>£12,132.38.</u>
(e) 1. Incorrect Deduction under Schedule 2; Pt VII, for the period 1 st February 1997 to 28 th June 2008, Underpayment for the term period of 11 yrs & 5 mths Compound Interest 8%	£27.20pa. Principle	£516.19.
	Interest	<u>£38.36.</u>
	Sub-Total	<u>£554.55.</u>
2. Continuing Compound Interest 8% from 29 th June 1997 to 1st July 2013 term of 5 years & 5 mths of Underpayment for the term Compound Interest 8%	£554.55pa. Principle	£3,253.32.
	Interest	<u>£225.40.</u>
	Sub-Total	<u>£3,478.72.</u>
	Sub-Totals	£554.55.
	Sub-Totals	£3,478.72.
	Total	<u>£4,033.27.</u>
(f) 1. Rule B3 Pension RPI Index link not paid until aged 55(5 mths & 1yr late) For the period 1 st February 1997 to 28 th June 1998-5 mths+1 yr Corrected AP=£35,129.84+ 1996/7(2.6%) & 1997/8(2.2%) RPI For the Term 5mths+1 yr +Compound Interest 8%	£1153.44. Principle	£4,267.75.
	Interest	£3,114.31.
	Sub-Total	<u>£7,382.06.</u>
2. Rule B3 Pension RPI Index link not paid until aged 55(5 mths & 1 yr late) For the period 1 st February 1997 to 28 th June 1998-5 mths+1 yr Correct=£37,627.66+ 1996/7(2.6%) & 1997/8(2.2%) RPI For the Term 5mths+1 yr +Compound Interest 8%	£235.51. Principle	£871.39.
	Interest	£635.88.
	Sub-Total	<u>£1,507.27.</u>
	Total	<u>£8,889.33.</u>
Totals Monies underpaid	(a)	£3,574.05.
	(b)	£520,843.54.
	(c)	£78,126.66.
	(d)	£12,132.38.
	(e)	£4,033.27.
	(f)	<u>£8,889.33.</u>
	Total	<u>£627,599.23.</u>

- +In final calculations it is assumed that compound interest will be above current base rate of 0.5%;
- + Agreed compensation for loss of amenity;
- + Adjusted Tax;
- + Consultancy & Legal fees/costs, pension audit, and disbursements.

Option-B Mr.Burns's Enhanced Ill-health Pension at S.D.O. Rank.

30. It is reasonably assumed that Mr.Burns could have attained the rank of top rate S.D.O. by 2003. The calculations and formulae though fully applied are not reproduced here for brevity.

Calculations use Mr.Burns's contemplated rank of S.D.O.(including assimilation and pay scale) at June 2003-Less-the incorrect Ordinary B1 pension already paid since 1997. Balance carried forward with 8 % compound interest from 1997 to 1st July 2013.

S.D.O.(Area Manager 'B').

Mr.Burns, had he not been injured, could have advanced in service to this new rank(supporting references provided) on the maximum incremental pay scale 'after 15 years' service' for this rank until 29th June 2003;

Pay Scale-Projection of APP.

The APP in 1997 projected forward to 2003 calculates as follows:

1997 APP for this rank	£43,894.80.
2003 projected APP for this rank using (6.41yrs) 7 X 7.04% average pay increase(incl Pensionable F.D. Supplement(20%) and protected LSI)	£63,704.52.
40/60ths(2/3rds) would be the correct enhanced ill health pension.	£42,469.68.
LESS the incorrect APP for D.O.II	<u>£23,354.24.</u>
Total	£19,115.44pa.

31. Mr.Burns is owed the following monies:

Totals for S.D.O. Rank:

(a)1997 original APP discharge calculations were in error by underpayment of	£98.48pa
Underpayment X 16yrs-5mths + 8%Compound interest	Principle £3,323.74.
	Interest <u>£ 250.31.</u>
	<u>Sub-Total £3,574.05.</u>

(b)Underpayment of Ill health Pension	£19,115.44pa.
For the Term 16 yrs 5mths	Principle £645,150.42.
+Compound Interest 8%	Interest £48,585.21.
	<u>Total £693,735.63.</u>

(c) Underpayment of B4 Injury Pension 1997 APP to B4 Injury	
Pension 2003 APP carried forward to date for term of 16 yrs-5mths	£2,867.31pa.
Underpayment for the term of 16yrs-5 mths:	Principle £96,772.34.
Compound Interest 8%	Interest <u>£7,287.77.</u>
	<u>Sub-Total £104,060.11.</u>

(d)Underpayment of B4 Injury Gratuity 1997 APP to B4 Injury	
Gratuity 2003 APP carried forward to date for term of 16 yrs-5mths	£929.79pa.
Underpayment for the term of 16yrs-5 mths:	Principle £31,380.63.
Compound Interest 8%	Interest £2363.23.
	<u>Sub-Total £33,743.86.</u>

(e) 1.Incorrect Deduction under Schedule 2;Pt VII, for the period

1 st February 1997 to 28 th June 2008 period of 11yrs & 5 mths	£27.20pa.
Underpayment for the term	Principle £516.19.
Compound Interest 8%	Interest <u>£38.36.</u>

Sub-Total £554.55.

2. Continuing Compound Interest 8% from 29th June 1997 to 1st July 2013 term of 5 years & 5 mths of Underpayment for the term Compound Interest 8%

£554.55pa.

Principle £3,253.32.

Interest £225.40.

Sub-Total £3,478.72.

Sub-Totals £554.55.

Sub-Totals £3,478.72.

Total £4,033.27.

(See Appendix 'X')

(f) 1. Rule B3 Pension RPI Index link not paid until aged 55(5 months and 1 yr late)

For the period 1st February 1997 to 28th June 1998-5 mths+1 yr

Corrected AP=£35,129.84+ 1996/7(2.6%) & 1997/8(2.2%) RPI £1153.44.

For the Term 5mths+1 yr Principle £4,267.75.

+Compound Interest 8% Interest £3,114.31.

Sub-Total £7,382.06.

2. Rule B3 Pension RPI Index link not paid until aged 55(5 months and 1 yr late)

For the period 1st February 1997 to 28th June 1998-5 mths+1 yr

Correct=£37,627.66+ 1996/7(2.6%) & 1997/8(2.2%) RPI £235.51.

For the Term 5mths+1 yr Principle £871.39.

+Compound Interest 8% Interest £635.88.

Sub-Total £1,507.27.

Total £8,889.33.

Total

Totals Monies underpaid

(a) £3,574.05.

(b) £693,735.63.

(c) £104,060.11.

(d) £33,743.86.

(e) £4,033.27.

(f) £8,889.33.

Total £848,036.25.

+In final calculations it is assumed that compound interest will be above current base rate of 0.5%;

+ Agreed compensation for loss of amenity;

+ Adjusted Tax;

+ Consultancy & Legal fees/ costs, audit, and disbursements.

Option-C Mr.Burns's Enhanced Ill-health Pension at A.C.O.

32. Calculated using Mr.Burns's contemplated rank of A.C.O.(including assimilation and pay scale) at June 2003-Less- the incorrect Ordinary B1 pension already paid since 1997.

Brigade Manager's pay is contract based which includes the Flexible Duty Supplement, and is normally a proportional 80% of the 'Manager's' pay of the LFRS

The Mr.Burns, had he not been injured, could have advanced in service to this new rank(supporting references provided) on the maximum incremental pay scale 'after 15 years' service' for this rank until 29th June 2003;

The APP in 1997 projected forward to 2003 calculates as follows:

1997 APP for this rank	£81,900.00.
2003 projected APP for this rank using 7.04% avg pay increase	£123,185.76.

40/60ths(2/3rds) of which is his correct enhanced ill health pension.	£ 82,123.84.
---	--------------

33. Because the counted 60ths, namely 54.12/60ths, exceeds the 2/3rds rule; and the calculated formulae exceeds the contract pay scales of £81,900.00, Mr.Burns(now advanced to Brigade Manager uses as the base calculation £123,185.76 as APP income which he 'could have earned by your compulsory retirement age', as his 'notional(hypothetical) retirement pension' when calculating, his enhanced Ill-health pension.

34. This leaves the following underpayment by reason of an incorrectly paid Ordinary B1pension in 1997, as against what should have been correctly paid, namely, an enhanced B3 ill-health pension as follows:

££123,185.70 LESS £23,354.24 = £91,939.94pa.

35. Mr.Burns is owed the following monies:

Totals for A.C.O. Rank:

(a)1997 original APP discharge calculations were in error by underpayment of	£98.48pa
Underpayment X 16yrs-5mths + 8%Compound interest	Principle £3,323.74.
	Interest <u>£ 250.31.</u>
	<u>Sub-Total £3,574.05.</u>

(b)Underpayment of Ill health Pension	£91,939.94pa .
For the Term 16 yrs 5mths	Principle £3,102,993.74.
+Compound Interest 8%	Interest <u>£233681.31.</u>
	<u>Sub-Total £3,336,675.05.</u>

(c) Underpayment of B4 Injury Pension 1997 APP to B4 Injury

Pension 2003 APP carried forward to date for term of 16 yrs-5mths	£4956.04pa.
Underpayment for the term of 16yrs-5 mths:	Principle £167267.47.
Compound Interest 8%	Interest <u>£12,596.64.</u>
	<u>Sub-Total £179,864.11.</u>

(d) Underpayment of B4 Injury Gratuity 1997 APP to B4 Injury

Gratuity 2003 APP carried forward to date for term of 16 yrs-5mths	£11,019.30pa.
Underpayment for the term of 16yrs-5 mths:	Principle £371903.85.
Compound Interest 8%	Interest £28,007.46.
	<u>Sub-Total £399,911.31.</u>

(e) 1.Incorrect Deduction under Schedule 2;Pt VII,for the period

1 st February 1997 to 28 th June 2008 period of 11yrs & 5 mths	£27.20pa.
Underpayment for the term	Principle £516.19.
Compound Interest 8%	Interest <u>£38.36.</u>
	<u>Sub-Total £554.55.</u>

2.Continuing Compound Interest 8% from 29th June1997

to 1st July 2013 term of 5 years & 5 mths of
 Underpayment for the term
 Compound Interest 8%

£554.55pa.
 Principle £3,253.32.
 Interest £225.40.
Sub-Total £3,478.72.

Sub-Totals £554.55.
 Sub-Totals £3,478.72.
Total £4,033.27.

(f) 1. Rule B3 Pension RPI Index link not paid until aged 55(5 months and 1 yr late)

For the period 1st February 1997 to 28th June 1998-5 mths+1 yr

Corrected AP=£35,129.84+ 1996/7(2.6%) & 1997/8(2.2%) RPI £1153.44.

For the Term 5mths+1 yr Principle £4,267.75.

+Compound Interest 8% Interest £3,114.31.

Sub-Total £7,382.06.

2. Rule B3 Pension RPI Index link not paid until aged 55(5 months and 1 yr late)

For the period 1st February 1997 to 28th June 1998-5 mths+1 yr

Correct=£37,627.66+ 1996/7(2.6%) & 1997/8(2.2%) RPI £235.51.

For the Term 5mths+1 yr Principle £871.39.

+Compound Interest 8% Interest £635.88.

Sub-Total £1,507.27.

Total

Total £8,889.33.

Totals Monies underpaid

(a) £3,574.05.

(b) £3,336,675.05.

(c) £179,864.11.

(d) £399,911.31.

(e) £4,033.27.

(f) £8,889.33.

Total £3,932,947.12.

+In final calculations it is assumed that compound interest will be above current
 base rate of 0.5%;

+ Agreed compensation for loss of amenity;

+ Adjusted Tax;

+ Consultancy & Legal fees/ costs, audit, and disbursements.

Appendix – D. Awards, Decorations, Commendations.

36.

- (a) BELFAST CITY FIRE BRIGADE:
Chief Fire Officer-Commendation.
- For off duty fire action.
- (b) ROYAL LIFE SAVING SOCIETY:
Bronze Medal-life saving.
- (c) ROYAL LIFE SAVING SOCIETY.
Gold Resuscitation Certificate 1983.
- (d) ROYAL SOCIETY PREVENTION OF CRUELTY TO ANIMALS.
Certificate of Merit.
-For actions in command during to rescue of 100 trapped animals.
- (e) LANCASHIRE COUNTY FIRE BRIGADE.
Chief Fire Officer-Letter of Congratulation.
-For actions in command of an Emergency Special Service.
- (f) LANCASHIRE COUNTY FIRE BRIGADE.
Divisional Commander-Letter of Congratulation.
-For actions in command of an operational incident.
- (g) LANCASHIRE COUNTY FIRE BRIGADE.
Chief Fire Officer-Commendation.
-For actions at the Armenian Earthquake.
- (h) SECRETARY OF STATE FOR THE HOME OFFICE.
Appointed to the Board of HM Prison Wymott-Served for 5 years.
Appointed to the Parole Board -Served for 5 years.
- (h) BY ROYAL WARRANT of HER MAJESTY QUEEN ELIZABETH II.
Fire Authority Long Service & Good Conduct Medal.
-For twenty years “Exemplary Service”.
- (i) UNION of SOVIET SOCIALIST REPUBLICS.
Ministry of the Interior(KGB)-‘Order of Excellent Fire-fighter’
-Awarded in the Field.
-For meritorious service to the Soviet Union in the Republic of Armenia.
- (j) UNION of SOVIET SOCIALIST REPUBLICS.
Medal(Co-Holder).
-For services at the Armenian Earthquake.
Presented to Lancashire County Fire Brigade by the Soviet Ambassador to the Court of St. James.
- (k) PATRIARCH OF ARMENIA - CATHOLICOS VAZGEN II.
Medallion.
“First commemorative medallion struck for International Rescuers presented to Divisional Officer Paul P Burns by the Armenian Ambassador to the Court of St James for personal succour and continuing humanitarian aid to the people of Armenia and the town of Spitak during and after the great earthquake of 1988”.
- (l) PRESIDENT OF THE (RSFSR) RUSSIAN RESCUE CORPS.
Commemorative Service Medal.
-For humanitarian service at Spitak Armenia 1988.
- (m) PRESIDENT BORIS YELTSIN(CCCP).
By Decree.

-Appointed in gratitude- as exclusive representative of the Rossiya Corpus Spacitilyi (Russian Rescue Corps-RSFSR) in the territories of Great Britain and the European Union 1990-4 for development contribution to the RSFSR.

(n) INTERSPIRO AWARD OF EXCELLENCE 1991.

Statuette.

-For post disaster relief and charitable services in Armenia and Russia.

(o) PRESIDENT -ARMENIAN RED CROSS SOCIETY.

Certificate of Recognition.

-For the development of Armcross & Nagorny Karabakh Rescue Services in these respective nations.

(p) GOVERNOR'S COMMENDATION- STATE of OKLAHOMA.

Governor's Commendation.

-For operations in the Murrah Federal Building bombing Oklahoma City Oklahoma U.S.A.

(q) STATE OF OKLAHOMA.

Oklahoma Medal of Honor(Second only to the Congressional Medal of Honor).

-For rescue operations in the Murrah Federal Building bombing, OKC Oklahoma U.S.A.

(r) THE STATE OF OKLAHOMA

Honorary Citizenship.

-Appointed and Commissioned under the Great Seal of the State of Oklahoma.

(s) LETTERS OF CONGRATULATIONS

Lancashire County Council.

Fires Service & Public Protection Committee.

-For Actions at the Murrah Federal Building bombing Oklahoma City Oklahoma U.S.A.

Lancashire-Lord Lieutenant on behalf of Her Majesty the Queen.

-For Actions at the Murrah Federal Building bombing Oklahoma City Oklahoma U.S.A.

(t) United Nations Disaster Relief Organisation.

-UNDRO Successful Application.

-For and on behalf of Lancashire County Fire Brigade and the UK Foreign and Commonwealth Office to the United Nations for registration as the first International Rescue Team to be registered with the United Nations Disaster Relief Organisation for 24/7 operational availability.

(u) Technical Author of International Note.

-Symbol Seeker, 8 Editions (World Ordinary recognised by NATO; Jane's; Fire Service College Library; British Library; Library of Congress; etc);

Landmines Safety Seeker, 3 Editions. (World Ordinary recognised by NATO; Jane's; Fire Service College Library; British Library; Library of Congress; etc);.

-Total Audited Sales 180,000+;

- Burning Issues, 1st Edition; Audited Sales 2,000;

-Symbol Seeker 9th Edition Pending;

-Landmines Safety Seeker 4th Edition Pending;

-169th Victim?(OK Bombing) (In draft).

-Use of Napalm by Allied Bombers in Europe WWII(under research).

- Biodiesel- BioBurns-A Vade Mecum.(In draft).

-All under ISBN.

(v) Offshore Yacht Master of the self-constructed Bermudian Cutter 'Golden Harp' 45ft, 19x tonnes from the keel up.

FAA Qualified complex aircraft Pilot with Night Rating. Beechcraft Bonanza owner.

Appendix – E. Compulsory Discharge Document-Incorrect Pension Calculation.
37.

PRF29

LANCASHIRE COUNTY FIRE BRIGADE
RETIREMENT PENSION FIREMEN'S PENSION SCHEME ORDER 1992

NAME P P BURNS DOII 516
STATION C DIVISION HQ
ADDRESS 7 KINGS DRIVE
FULWOOD, PRESTON
LANCASHIRE PR3 3HN

DATE OF BIRTH 29/06/43
PAY REFERENCE NO 014440040339
PENSIONABLE PAY 36,201.60 pa
PENSION CONTRIBUTIONS 11.00%
NHI NO. HM380765B
RETIREMENT DATE 2359 hours on 31 January 1997

SERVICE

BELFAST CFB	29/07/63 - 19/06/66	2 years 326 days
FIRE SERVICE CL	20/06/66 - 29/02/68	1 year 255 days
LANCASHIRE CFB	01/03/68 - 31/01/97	28 years 337 days

		33 years 188 days

AVERAGE ANNUAL PENSIONABLE PAY

01/02/96 - 06/11/96	29/29 + 8 + 6/30 at 34,675.20	26,584.32
07/11/96 - 31/01/97	24/30 + 1 + 31/31 at 36,201.60	8,447.04

		35,031.36

ILL HEALTH PENSION

Retires in accordance with Rule B3 & B4

40.0000/60 of average annual pensionable pay of 35,031.36 23,354.24 pa

INJURY PENSION (Rule B4 Part V Schedule 2)

60 % of average pensionable pay of 35,031.36 21,018.82 pa

Less 3/4 of Ill Health Pension 17,515.68
Less Incapacity Benefit
(Benefits Agency) Nil 0.00 17,515.68 pa

Pension Payable 3,503.14 pa

Gratuity 12.5 % of 35,031.36 4,378.92

COMMUTATION

An amount of 5,838.56 has been commuted from ill health pension and will secure a lump sum payment of :-

(5,838.56 x 1,420) / 100 = 82,907.55

Appendix-E. Compulsory Discharge Document-Incorrect Pension Calculation.

TOTAL LUMP SUM PAYABLE

----- Gratuity	4,378.92	
Commutation	82,907.55	87,286.47 -----

PENSION PAYABLE WITH EFFECT FROM 1 FEBRUARY 1997

----- Gross Pension		23,354.24
Less Commutation		5,838.56
Plus Injury Pension		3,503.14
		----- 21,018.82 pa -----

REDUCTION IN PENSION AT AGE 65 YEARS

----- Gross Pension		23,354.24 pa
Deduct for Commutation	5,838.56	
Deduction under Schedule 2 (Part VII (1.70 x 16) (29/07/63 - 31/03/80)	27.20 -----	5,865.76 -----
Plus Injury Pension		3,503.14 pa
		----- 20,991.62 pa -----

NB: The Injury pension is not subject to the deduction of income tax. Fire Service Circulars 29/1950 and 37/1961 refer.

WIDOWS NOTIONAL PENSION

Flat Rate / Half Rate

1/2 x (38.3507/60) x 35,031.36 = 11,195.65 pa

Prepared by *Michelle Kelly*!
Checked by *M. B. Miller*.

(County Treasurers
Superannuation Section)

I confirm the entitlement to pension in this case and that the calculation of the pension is correct and payment should be made on the date stated

APPENDIX-F.

38.

REVISED DISCHARGE DOCUMENT- CORRECTLY RECALCULATED – 1st July 2013.

LANCASHIRE COUNTY FIRE BRIGADE

RETIREMENT PENSION FIREMEN'S PENSION SCHEME ORDER 1992

NAME P.P.BURNS **516**
STATION C DIVISION HQ
ADDRESS 7 KINGS DRIVE
FULWOOD; PRESTON
LANCASHIRE PR2 3HN

DATE OF BIRTH 29/06/43
PAY REFERENCE NO. 014440040339
PENSIONABLE PAY 36,201.60 pa
PENSION CONTRIBUTIONS 11.00%
NHI NO. HM380765B
RETIREMENT DATE 2359 hours on 31 January 1997

SERVICE

~~~~~  
**BELFAST CFB** 29/07/63 – 19/06/66 2 years 326 days  
**FIRE SERVICE CL** 20/06/66 – 29/02/68 1 year 255 days  
**LANCASHIRE CFB** 01/03/68 – 31/01/97 28 years 337 days  
~~~~~  
33 years 188 days

AVERAGE PENSIONABLE PAY

~~~~~  
01/02/96 – 06/11/96 280 Days at £34,675.20 £26,600.15  
07/11/96 – 31/12/97 86 Days at £36,201.60 ~~£ 8529.69~~  
APP(Corrected) £35,129.84

**ILL HEALTH PENSION**

~~~~~  
Retires in accordance with Rule B3 & B4

2003 APP £56,558.63
40.0000/60 of average pensionable pay of £56,558.63. Ill Health Pension £37,705.75

INJURY PENSION (Rule B4 Part V Schedule 2)

~~~~~  
60% of average pensionable pay of £33,935.18

Less 3/4 of Ill health Pension £28,279.31

Less Incapacity Benefit  
(Benefits Agency) NIL

Injury Pension Payable £5655.87

Gratuity 12.5% of £37,705.75 £4713.22

**COMMUTATION**

~~~~~  
An amount of xxxxxxxx has been commuted from

**Ill health pension and will secure a lump sum
Payment of :-**

(xxxxxxx x 1420) /100 = xxxxxxx

TOTAL LUMP SUM PAYABLE
~~~~~

**Gratuity**

**Commutation**

**PENSION PAYABLE WITH EFFECT FROM 1 FEBRUARY 1997**  
~~~~~

Gross Pension

Less Commutation

Plus Injury Pension

REDUCTION IN PENSION AGE 65 YEARS
~~~~~

**Gross Pension**

**Deduct for Commutation**

**Deduction under Schedule 2**

**(Part VII (1.70 x 16)  
(29/07/63 - 31/03/80**

**Plus Injury Pension**

**N.B. The injury pension is not subject to the deduction of  
Income tax. Fire Service Circulars 29/1950 and 37/1961 refer.**

**WIDOWS NOTIONAL PENSION**  
~~~~~

Flat Rate / Half Rate

1/2 x (xxxxxxx/60) x xxxxxxxx = xxxxxxxxxx pa

Prepared by.....

Checked by.....

(County Treasurers Superannuation Section)

**I confirm the entitlement to pension in this case and that the calculation of the pension is correct and payment
should be made on the date stated**

Authorised.....Date.....

Calculated on the 12 June 2013

Appendix – G. Rank D.O.II. Underpayment of 1997 APP £98.48pa

Carried forward to Date 16 yrs 5 months (1st July 2013).

Year	Principle	Rate	Year Interest	Total Interest	Compound
Yr97	£98.48.	X 8%	= £7.88	= £ 7.88	= £106.36
Yr98	£106.36	X 8%	= £8.51	= £16.39	= £114.87
Yr99	£114.87	X 8%	= £9.19	= £ 25.58	= £124.06
Yr00	£124.06	X 8%	= £9.92	= £ 35.50	= £133.98
Yr01	£133.98	X 8%	= £10.72	= £ 46.22	= £144.70
Yr02	£144.70	X 8%	= £11.58	= £ 57.80	= £156.28
Yr03	£156.28	X 8%	= £12.50	= £ 70.30	= £168.78
Yr04	£168.78	X 8%	= £13.50	= £ 83.80	= £182.28
Yr05	£182.28	X 8%	= £14.58	= £ 98.38	= £196.86
Yr06	£196.86	X 8%	= £15.75	= £114.13	= £212.61
Yr07	£212.61	X 8%	= £17.01	= £ 131.14	= £229.62
Yr08	£229.62	X 8%	= £18.37	= £ 149.51	= £247.99
Yr09	£247.99	X 8%	= £19.84	= £ 169.35	= £267.83
Yr10	£267.83	X 8%	= £21.43	= £ 190.77	= £289.25
Yr11	£289.25	X 8%	= £23.14	= £ 213.92	= £312.40
Yr12	£312.40	X 8%	= £24.99	= £ 238.91	= £337.39
Yr13	£337.39	X 8%	= £11.40	= £ 250.31	= £348.79
Yr13 (5 months)					
Total:	£3,323.74.			£250.31	£3,574.05

Appendix - H Rank D.O.II. Balance between the 1997III-Health-2003 III-Health.

Carried forward to Date 16 yrs 5 months (1st July 2013).

Year	Principle	Rate	Year Interest	Total Interest	Compound
Yr97	£14,351.51.	X 8%	= £1,148.12	= £ 1,148.12.	= £15,499.63.
Yr98	£15,499.63.	X 8%	= £1,239.97	= £ 2,388.09	= £16,739.60.
Yr99	£16,739.60.	X 8%	= £1,339.17	= £ 3,727.26	= £18,078.77.
Yr00	£18,078.77	X 8%	= £1,446.30	= £ 5,173.56	= £19,525.07.
Yr01	£19,525.07.	X 8%	= £1,562.01.	= £ 6,735.57	= £21,087.08.
Yr02	£21,087.08.	X 8%	= £1,686.97.	= £ 8,422.53.	= £22,774.04.
Yr03	£22,774.04.	X 8%	= £1,821.92	= £ 10,244.46	= £24,595.97.
Yr04	£24,595.97.	X 8%	= £1,967.68	= £ 12,212.13.	= £ 26,563.64
Yr05	£26,563.64.	X 8%	= £2,125.53	= £ 14,337.22.	= £ 28,688.73.
Yr06	£28,688.73.	X 8%	= £2,295.10.	= £ 16,632.32.	= £ 30,983.83.
Yr07	£30,983.83.	X 8%	= £2,478.71.	= £ 19,111.03.	= £ 33,462.54.
Yr08	£33,462.54.	X 8%	= £2,677.00.	= £ 21,788.03.	= £ 36,139.54.
Yr09	£36,139.54.	X 8%	= £2,891.16.	= £ 24,679.20.	= £ 39,030.71.
Yr10	£39,030.71.	X 8%	= £3,122.46.	= £ 27,801.65.	= £ 42,153.16.
Yr11	£42,153.16.	X 8%	= £3,372.25.	= £ 31,173.91.	= £ 45,525.42.
Yr12	£45,525.42.	X 8%	= £3,642.03.	= £ 34,815.94.	= £ 49,167.45.
Yr13	£49,167.45.	X 8%	= £1,660.91	= £ 36,476.85.	= £ 50,828.36
Yr13 (5 months)					
Total:	£484,366.69.			£36,476.85.	£520,843.54.

Appendix – I. Rank D.O.II. Balance between the 1997 Injury Award and 2003 Injury Award .

Carried forward to Date 16 yrs 5 months (1st July 2013).

Year	Principle	Rate	Year Interest	Total Interest	Compound
Yr97	£2,152.73.	X 8%	= £172.22 =	£ 172.22 =	£2,324.95
Yr98	£2,324.95.	X 8%	= £186.00 =	£ 358.21 =	£2,510.94
Yr99	£2,510.94	X 8%	= £200.88 =	£ 559.09 =	£2,711.82
Yr00	£2,711.82	X 8%	= £216.95 =	£ 776.04 =	£2,928.77
Yr01	£2,928.77	X 8%	= £234.30 =	£1,010.34 =	£3,163.07
Yr02	£3,163.07	X 8%	= £253.05 =	£ 1,263.38 =	£3,416.11
Yr03	£3,416.11	X 8%	= £273.29 =	£ 1,536.67 =	£3,689.40
Yr04	£3,689.40	X 8%	= £295.15 =	£ 1,831.82 =	£3,984.55
Yr05	£3,984.55	X 8%	= £318.76 =	£ 2,150.59 =	£4,303.32
Yr06	£4,303.32	X 8%	= £344.27 =	£ 2,494.85 =	£4,647.58
Yr07	£4,647.58	X 8%	= £371.81 =	£ 2,866.66 =	£5,019.39
Yr08	£5,019.39	X 8%	= £401.55 =	£3,268.21 =	£5,420.94
Yr09	£5,420.94	X 8%	= £433.68 =	£3,701.89 =	£5,854.62
Yr10	£5,854.62	X 8%	= £468.37 =	£ 4,170.25 =	£6,322.98
Yr11	£6,322.98	X 8%	= £505.84 =	£ 4,676.09 =	£6,828.82
Yr12	£6,828.82	X 8%	= £546.31 =	£ 5,222.40 =	£7,375.13
Yr13	£7,375.13	X 8%	= £249.14 =	£ 5,471.54 =	£7,624.27,
Yr13 (5 months)					
Total:	£72,655.12.			£5,471.54	£78,126.66

Appendix – J. Rank D.O.II. Balance between the 1997 Injury Gratuity and 2003 Injury Gratuity .

Carried forward to Date 16 yrs 5 months (1st July 2013).

Year	Principle	Rate	Year Interest	Total Interest	Compound
Yr97	£334.30.	X 8%	= £26.74	= £ 26.74	= £361.04
Yr98	£361.04.	X 8%	= £28.88	= £55.63	= £ 389.93
Yr99	£389.93	X 8%	= £31.19	= £86.82	= £421.12
Yr00	£421.12	X 8%	= £33.69	= £120.51	= £454.81
Yr01	£454.81	X 8%	= £36.38	= £ 156.90	= £ 491.20
Yr02	£491.20	X 8%	= £39.30	= £ 196.19	= £530.49
Yr03	£530.49	X 8%	= £42.44	= £238.63	= £572.93
Yr04	£572.93	X 8%	= £45.83.	= £284.47	= £618.77
Yr05	£618.77	X 8%	= £49.50	= £333.97	= £668.27
Yr06	£668.27	X 8%	= £53.46	= £387.43	= £721.73
Yr07	£721.73	X 8%	= £57.74	= £ 445.17	= £779.47
Yr08	£779.47	X 8%	= £62.36	= £ 507.52	= £ 841.82
Yr09	£841.82	X 8%	= £67.35	= £574.87	= £909.17
Yr10	£909.17	X 8%	= £72.73	= £647.60	= £981.90
Yr11	£981.90	X 8%	= £78.55	= £726.16	= £1060.46
Yr12	£1060.46	X 8%	= £84.84	= £810.99	= £1145.29
Yr13	£1145.29	X 8%	= £38.69	= £849.68	= £1183.98
Yr13 (5 months)					
Total: £11,282.70.				£849.68.	£12132.38.

**Appendix – K. Rank D.O.II. Incorrect SERPS Deduction under Schedule 2;Pt VII
From 1st February 1997 to 28th June 2008.(11 yrs 5 mths)
Carried forward from 29th June 2008 to date 5yrs 5 mths (1st
July 2013).**

Year	Principle	Rate		Year Interest		Total Interest		Compound
Yr97	£27.20.	X 8%	=	£2.18	=	£ 2.18	=	£29.38
Yr98	£29.38	X 8%	=	£2.35	=	£4.53	=	£31.73
Yr99	£31.73	X 8%	=	£2.54	=	£ 7.06	=	£34.26
Yr00	£34.26	X 8%	=	£2.74	=	£9.81	=	£37.01
Yr01	£37.01	X 8%	=	£2.96	=	£ 12.77	=	£39.97
Yr02	£39.97	X 8%	=	£3.20	=	£ 15.96	=	£43.16
Yr03	£43.16	X 8%	=	£3.45	=	£ 19.42	=	£46.62
Yr04	£46.62	X 8%	=	£3.73	=	£ 23.15	=	£50.35
Yr05	£50.35	X 8%	=	£4.03	=	£ 27.17	=	£54.37
Yr06	£54.37	X 8%	=	£4.35	=	£31.52	=	£58.72
Yr07	£58.72	X 8%	=	£4.70	=	£ 36.22	=	£63.42
Yr08	£63.42	X 8%	=	£2.14	=	£ 38.36	=	£65.56
Total: £516.19.						£38.36		£554.55
Yr09	£554.55	X 8%	=	£44.36	=	£ 44.36	=	£598.91
Yr10	£598.91	X 8%	=	£47.91	=	£ 92.28	=	£646.83
Yr11	£646.83	X 8%	=	£51.75	=	£144.02	=	£698.57
Yr12	£698.57	X 8%	=	£55.87	=	£ 199.91	=	£754.46
Yr13	£754.46	X 8%	=	£25.49	=	£ 225.40	=	£779.95
Yr13 (5 months)								
Total: £3,253.32						£225.40		£3,478.72.
Totals:								£4,033.27.

N.B.01. Pension Increase was not paid from the commencement of Mr.Burns's B1/B3 pension which it ought to have been until he was 55 under the 'Commentary' 'PI' section Annex1-7.

N.B.02 -National Insurance Modification(SERPS),Schedule 2 Part VII 16X27.20=£435.20 has been incorrectly deducted. See Rule A7(1) & 'Commentary' BGen-2 to-4.

'Commentary' BookBGen-2... "The reduction will begin when you reach state pensionable age and continue the whole time your pension is in employment".

Appendix - L Rank S.D.O. Balance between the 1997 III Health-2003 III-Health.

Carried forward to Date 16 yrs 5 months (1st July 2013).

1	£19,115.44	£ 1,529.24	£ 20,644.68
2	£20,644.68	£ 3,180.81	£ 22,296.25
3	£22,296.25	£ 4,964.51	£ 24,079.95
4	£24,079.95	£ 6,890.91	£ 26,006.35
5	£26,006.35	£ 8,971.41	£ 28,086.85
6	£28,086.85	£ 11,218.36	£ 30,333.80
7	£30,333.80	£ 13,645.06	£ 32,760.50
8	£32,760.50	£ 16,265.91	£ 35,381.35
9	£35,381.35	£ 19,096.41	£ 38,211.85
10	£38,211.85	£ 22,153.36	£ 41,268.80
11	£41,268.80	£ 25,454.87	£ 44,570.31
12	£44,570.31	£ 29,020.49	£ 48,135.93
13	£48,135.93	£ 32,871.36	£ 51,986.80
14	£51,986.80	£ 37,030.31	£ 56,145.75
15	£56,145.75	£ 41,521.97	£ 60,637.41
16	£60,637.41	£ 46,372.96	£ 65,488.40
17	£65,488.40	£48585.21	£67,700.65
	£645150.42	£48,585.21	£693,735.63

Appendix - M Rank S.D.O. Balance between the 1997 Injury Pension APP-2003 Injury Pension.

Carried forward to Date 16 yrs 5 months (1st July 2013).

1	£2,867.31	£ 229.38	£ 3,096.69
2	£3,096.69	£ 477.12	£ 3,344.43
3	£3,344.43	£ 744.67	£ 3,611.98
4	£3,611.98	£ 1,033.63	£ 3,900.94
5	£3,900.94	£ 1,345.71	£ 4,213.02
6	£4,213.02	£ 1,682.75	£ 4,550.06
7	£4,550.06	£ 2,046.76	£ 4,914.07
8	£4,914.07	£ 2,439.88	£ 5,307.19
9	£5,307.19	£ 2,864.46	£ 5,731.77
10	£5,731.77	£ 3,323.00	£ 6,190.31
11	£6,190.31	£ 3,818.22	£ 6,685.53
12	£6,685.53	£ 4,353.06	£ 7,220.37
13	£7,220.37	£ 4,930.69	£ 7,798.00
14	£7,798.00	£ 5,554.53	£ 8,421.84
15	£8,421.84	£ 6,228.28	£ 9,095.59
16	£9,095.59	£ 6,955.93	£ 9,823.24
17	£9,823.24	£ 7287.77	£ 10,155.08
	£96,772.34	£ 7287.77	£104060.11

Injury Pension SDO

Appendix – N. Rank S.D.O. Balance between the 1997 Injury Gratuity and 2003 Injury Gratuity .

Carried forward to Date 16 yrs 5 months (1st July 2013).

1	£ 929.79	£ 74.38	£ 1,004.17
2	£1,004.17	£ 154.72	£ 1,084.51
3	£1,084.51	£ 241.48	£ 1,171.27
4	£1,171.27	£ 335.18	£ 1,264.97
5	£1,264.97	£ 436.38	£ 1,366.17
6	£1,366.17	£ 545.67	£ 1,475.46
7	£1,475.46	£ 663.71	£ 1,593.50
8	£1,593.50	£ 791.19	£ 1,720.98
9	£1,720.98	£ 928.86	£ 1,858.65
10	£1,858.65	£ 1,077.56	£ 2,007.35
11	£2,007.35	£ 1,238.14	£ 2,167.93
12	£2,167.93	£ 1,411.58	£ 2,341.37
13	£2,341.37	£ 1,598.89	£ 2,528.68
14	£2,528.68	£ 1,801.18	£ 2,730.97
15	£2,730.97	£ 2,019.66	£ 2,949.45
16	£2,949.45	£ 2,255.62	£ 3,185.41
17	£3,185.41	£ 2,363.23	£ 3,293.02
	£31,380.63	£ 2,363.23	£ 33,743.86

SDO03 Injury Gratuity

Appendix – O. Rank A.C.O. Balance between the 1997III-Health-2003 III-Health.

Carried forward to Date 16 yrs 5 months (1st July 2013).

1	£91,939.94	£ 7,355.20	£ 99,295.14
2	£99,295.14	£ 15,298.81	£ 107,238.75
3	£107,238.75	£ 23,877.91	£ 115,817.85
4	£115,817.85	£ 33,143.33	£ 125,083.27
5	£125,083.27	£ 43,150.00	£ 135,089.94
6	£135,089.94	£ 53,957.19	£ 145,897.13
7	£145,897.13	£ 65,628.96	£ 157,568.90
8	£157,568.90	£ 78,234.47	£ 170,174.41
9	£170,174.41	£ 91,848.43	£ 183,788.37
10	£183,788.37	£ 106,551.49	£ 198,491.43
11	£198,491.43	£ 122,430.81	£ 214,370.75
12	£214,370.75	£ 139,580.47	£ 231,520.41
13	£231,520.41	£ 158,102.10	£ 250,042.04
14	£250,042.04	£ 178,105.47	£ 270,045.41
15	£270,045.41	£ 199,709.10	£ 291,649.04
16	£291,649.04	£ 223,041.02	£ 314,980.96
17	£314,980.96	£ 233,681.31	£ 325,621.25
	£3,102,993.74	£233,681.31	£3,336,675.05

ACO III Health Pension

Appendix – P. Rank A.C.O. Balance between the 1997 Injury Pension-2003 Injury Pension.

Carried forward to Date 16 yrs 5 months (1st July 2013).

1	£ 4,956.04	£ 396.48	£ 5,352.52
2	£5,352.52	£ 824.69	£ 5,780.73
3	£5,780.73	£ 1,287.14	£ 6,243.18
4	£6,243.18	£ 1,786.60	£ 6,742.64
5	£6,742.64	£ 2,326.01	£ 7,282.05
6	£7,282.05	£ 2,908.57	£ 7,864.61
7	£7,864.61	£ 3,537.74	£ 8,493.78
8	£8,493.78	£ 4,217.24	£ 9,173.28
9	£9,173.28	£ 4,951.11	£ 9,907.15
10	£9,907.15	£ 5,743.68	£ 10,699.72
11	£10,699.72	£ 6,599.66	£ 11,555.70
12	£11,555.70	£ 7,524.11	£ 12,480.15
13	£12,480.15	£ 8,522.52	£ 13,478.56
14	£13,478.56	£ 9,600.81	£ 14,556.85
15	£14,556.85	£ 10,765.36	£ 15,721.40
16	£15,721.40	£ 12,023.07	£ 16,979.11
17	£16,979.11	£ 12,596.64	£ 17,552.68
	£167,267.47	£ 12,596.64	£179,864.11

ACO Injury Pension

Appendix – Q. Rank A.C.O. Balance between the 1997 Injury Gratuity-2003 Injury Gratuity.

Carried forward to Date 16 yrs 5 months (1st July 2013).

1	£11,019.30	£ 881.54	£ 11,900.84
2	£11,900.84	£ 1,833.61	£ 12,852.91
3	£12,852.91	£ 2,861.84	£ 13,881.14
4	£13,881.14	£ 3,972.34	£ 14,991.64
5	£14,991.64	£ 5,171.67	£ 16,190.97
6	£16,190.97	£ 6,466.94	£ 17,486.24
7	£17,486.24	£ 7,865.84	£ 18,885.14
8	£18,885.14	£ 9,376.66	£ 20,395.96
9	£20,395.96	£ 11,008.33	£ 22,027.63
10	£22,027.63	£ 12,770.54	£ 23,789.84
11	£23,789.84	£ 14,673.73	£ 25,693.03
12	£25,693.03	£ 16,729.17	£ 27,748.47
13	£27,748.47	£ 18,949.05	£ 29,968.35
14	£29,968.35	£ 21,346.52	£ 32,365.82
15	£32,365.82	£ 23,935.78	£ 34,955.08
16	£34,955.08	£ 26,732.19	£ 37,751.49
17	£37,751.49	£ 28,007.46	£ 39,026.76
	£371,903.85	£28,007.46	£399,911.31

ACO Injury Gratuity