

# The Burger Court Opinion Writing Database

*Alessi v. Raybestos-Manhattan, Inc.*

451 U.S. 504 (1981)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
Forrest Maltzman, George Washington University



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Supreme Court of the United States  
Washington, D. C. 20543CHAMBERS OF  
THE CHIEF JUSTICE

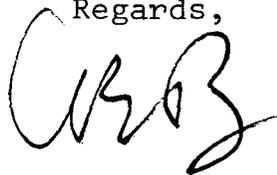
May 11, 1981

Re: (79-1943 - Alessi v. Raybestos Manhattan, Inc.  
(  
(80-193 - Buczynski v. General Motors Corp.

Dear Thurgood:

I join.

Regards,



Justice Marshall

Copies to the Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

May 1, 1981

RE: Nos. 79-1943 and 80-193 Alessi v. Raybestos-Manhattan  
and Buczynski v. General Motors Corporation

Dear Thurgood:

Please add at the foot of your opinion:

"Justice Brennan took no part in the decision  
of this case."

Sincerely,



Justice Marshall

cc: The Conference



Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE POTTER STEWART

April 30, 1981

Re: No. 79-1943, etc., Alessi v.  
Raybestos-Manhattan, Inc.

Dear Thurgood,

I am glad to join your opinion  
for the Court.

Sincerely yours,

P.S.  
—

Justice Marshall

Copies to the Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE BYRON R. WHITE

April 30, 1981

Re: 79-1943 and 80-193 -  
Alessi v. Raybestos-Manhattan, Inc.  
& Buczynski v. General Motors Corp.

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Dear Thurgood,

Please join me.

Sincerely yours,



Justice Marshall

Copies to the Conference

cpm

30 APR 1981

1st DRAFT

## SUPREME COURT OF THE UNITED STATES

Nos. 79-1943 AND 80-193

Joseph Alessi et al., Appellants, 79-1943 <i>v.</i> Raybestos-Manhattan, Inc., et al.	}	On Appeal from the United States Court of Appeals for the Third Circuit.
Henry Buczynski et al., Petitioners, 80-193 <i>v.</i> The General Motors Corpora- tion et al.	}	On Writ of Certiorari to the United States Court of Appeals for the Third Circuit.

[May —, 1981]

JUSTICE MARSHALL delivered the opinion of the Court.

Some private pension plans reduce a retiree's pension benefits by the amount of workers' compensation awards received subsequent to retirement. In these cases we consider whether two such offset provisions are lawful under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U. S. C. § 1001 *et seq.*, and whether they may be prohibited by state law.

## I

Raybestos-Manhattan, Inc. and General Motors Corp. maintain employee pension plans that are subject to federal regulation under ERISA. Both plans provide that an employee's retirement benefits shall be reduced, or offset, by an amount equal to workers' compensation award for which the individual is eligible.<sup>1</sup> In 1977, the New Jersey Legislature

<sup>1</sup> The Rabestos-Manhattan, Inc., plan provides:

"All Retirement Income payments shall be reduced by the entire amount

19, 20, 21

5 MAY 1981

2nd DRAFT

## SUPREME COURT OF THE UNITED STATES

Nos. 79-1943 AND 80-193

Joseph Alessi et al., Appellants, 79-1943	v.	Raybestos-Manhattan, Inc., et al.	}	On Appeal from the United States Court of Appeals for the Third Circuit.
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Henry Buczynski et al., Petitioners, 80-193	v.	The General Motors Corpora- tion et al.	}	On Writ of Certiorari to the United States Court of Appeals for the Third Circuit.
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## STYLISTIC CHANGES THROUGHOUT.

13 MAY 1981

3rd DRAFT

## SUPREME COURT OF THE UNITED STATES

Nos. 79-1943 AND 80-193

Joseph Alessi et al., Appellants, 79-1943           v. Raybestos-Manhattan, Inc., et al.	}	On Appeal from the United States Court of Appeals for the Third Circuit.
Henry Buczynski et al., Petitioners, 80-193           v. The General Motors Corpora- tion et al.	}	On Writ of Certiorari to the United States Court of Appeals for the Third Circuit.

[May —, 1981]

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<sup>1</sup> The Rabestos-Manhattan, Inc., plan provides:  
 "All Retirement Income payments shall be reduced by the entire amount

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

May 19, 1981

Re: Cases held for Nos. 79-1943 and 80-193 -  
Alessi v. Raybestos-Manhattan, Inc. and  
Bucyznski v. General Motors Corp.

Memorandum to the Conference

We held two petitions concerning the same decision of the Ninth Circuit. Those petitions, Seafarers International Union v. Stone, 80-1403, and Carpenters Pension Trust v. Kronschabel, 80-1454, are also held for McCarty v. McCarty, No. 80-5. The challenged Court of Appeals decision concluded that the Employee Retirement Income Security Act of 1974 (ERISA) does not pre-empt California community property law, which requires payment of pension benefits directly to ex-spouses of participating employees. (As another component of its analysis, the Court of Appeals also concluded that an ex-spouse of an employee participating in the pension plan is also a "participant" in the plan as that term is used in ERISA.) The Court of Appeals relied in part on In re Marriage of Campa, 444 U.S. 1028 (1980), where we dismissed an appeal from a similar decision preserving a state community property law against a pre-emption challenge. The petitioners, however, point to ERISA's broad pre-emptive language which prescribes that federal law supersedes "all State laws insofar as they . . . relate to any employee benefit plan."

(S)

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

May 5, 1981

Re: No. 79-1943 - Alessi v. Raybestos-Manhattan, Inc.  
No. 80-193 - Buczynski v. General Motors Corp.

Dear Thurgood:

Please join me.

Sincerely,



H.A. Blackmun

Mr. Justice Marshall

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

May 6, 1981

79-1943 and 80-193 Alessi v. Raybestos-Manhattan, Inc.

Dear Thurgood:

Please join me.

Sincerely,



Mr. Justice Marshall

lfp/ss

cc: The Conference

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

May 1, 1981

Re: No. 79-1943 Alessi v. Raybestos-Manhattan, Inc.  
No. 80-193 Buczynski v. General Motors Corp.

Dear Thurgood:

Please join me in your opinion for the Court.

Sincerely,



Mr. Justice Marshall

Copies to the Conference

(17)

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

April 30, 1981

Re: 79-1943 & 80-193 - Alessi v. Raybestos-  
Manhattan, Inc.

Dear Thurgood:

Please join me.

Respectfully,



Justice Marshall

Copies to the Conference