

Jane Doe v. Harvard Pilgrim Health Care Inc. and the Harvard Pilgrim PPO Plan MA Group Policy # 0588660000

Year: 2018

Court: U.S. Court of Appeals for the First Circuit

Case Number: 17-2078

This amicus brief addresses the ERISA fiduciary’s duty under the ERISA statute and Secretary of Labor regulations to afford full and fair review when a fiduciary denies a benefit claim. This duty requires a fiduciary to help secure “readily available material evidence of which it was put on notice,” which is necessary for the fiduciary to review in order to comply with 29 U.S.C. § 1133(b). *Harrison v. Wells Fargo Bank, N.A.*, 773 F.3d 15, 20 (4th Cir.2014). This is in accord with the collaborative process expected by fiduciaries in this Circuit. *Glista v. Unum Life Ins. Co. of America*, 378 F.3d 113, 129 (1st Cir. 2004).

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