# Julie Heimeshoff v. Hartford Life & Accident Insurance Co. and Wal-Mart Stores, Inc.

Year: 2012
Court: Supreme Court of the United States
Case Number: 12-729

On July 2, 2013, United Policyholders weighed in as amicus curiae (friend of the court) in the matter of Heimeshoff v. Hartford Life & Accident Insurance Co. and Wal-Mart Stores, Inc., a case that will be heard by the U.S. Supreme Court this Fall. The issue that the Court will decide is when a statute of limitations, or the time by when a lawsuit must be filed, starts to run for judicial review of a denied disability benefit claim under the Employee Retirement Income Security Act of 1974 ("ERISA"). ERISA is a federal law that governs most denial-of-benefits claims under benefit plans provided by employers for their employees. For a policyholder who has disability insurance coverage under a benefit plan sponsored by her employer, if the disability plan administrator denies her claim for benefits, she must first appeal the denial to the plan administrator and generally wait about 90 days for a decision. Courts have interpreted ERISA as requiring completion of this internal appeals process, also referred to as "exhausting administrative remedies," before an aggrieved claimant can file a lawsuit. The issue in Heimeshoff is whether a disability plan can start running the clock on the statute of limitations even before a claimant has exhausted her administrative remedies and is allowed to file a lawsuit. United Policyholders' position is that the accrual of a limitations period should start at the final denial of a benefits claim – at the point at which a participant can file a lawsuit – in order to provide certainty to participants about their deadline to file suit in court. This is particularly important in light of the number of factors that may extend the time by when an administrator makes a final claim decision. The outcome of this case will impact all participants in disability benefit plans that are governed by ERISA.

UP's brief was drafted pro bono by Michelle L. Roberts, Springer & Roberts LLP, Glenn Kantor, Kantor & Kantor, Tybe Brett, Feinstein Doyle Payne & Kravec, LLC,, Ron Dean, Esq., and Amy Bach, Esq

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