

## **Russell v. Catholic Healthcare, UNUM et al.**

Year: 2014

Court: U.S, Court of Appeals, 6th Circuit

Case Number: 13-4084

ERISA plan administrators must include a time limit for judicial review (i.e., a statute of limitations to file suit) in a letter denying disability benefits. In the absence of such a notification, contractual limitations cannot be enforced against the participant, as required by federal regulations. After the U.S. Supreme Court's decision in *Heimeshoff* (read UP's brief here) if a plan administrator's conduct causes the participant to miss a deadline, waiver or estoppel may prevent the administrator from raising contractual limitations as a defense. UP submitted this amicus curiae brief in support of the policyholder's petition for rehearing en banc. Since federal law governs disability claims arising under ERISA, UP urged the Court to grant en banc review to assure uniformity in the federal circuit courts with respect to the statute of limitations and judicial review of denied benefits claims under ERISA plans.

UP's brief was authored pro bono by Michelle L. Roberts, Esq. of Springer and Roberts, LLP and UP Executive Director Amy Bach, Esq. and Staff Attorney Dan Wade, Esq.