

## Denial of Benefits for Former Employee Upheld Where Plan Found No Evidence of Eligibility

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March 8, 2012

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A company's pension plan provided that all salaried employees who met service requirements were eligible for benefits under the plan after reaching age 65. Although the former employee was employed with the company for 20 years and had reached age 65, the plan denied the claim for benefits because the plan's records did not show the former employee was entitled to benefits and the plan had controls in place to ensure the accuracy and reliability of its records. The Court of Appeals for the First Circuit found the plan administrator's decision was not arbitrary or capricious or an abuse of discretion because the former employee's claim was largely based on speculation and hearsay, there was a lack of evidence as to the former employee's eligibility under the plan, the plan made a demonstrated effort to research the claim, and the plan had plausible explanations for the former employee's ineligibility, including that she may have already received a distribution of benefits. *Kingsbury v. Marsh & McLennan Cos, Inc. Retirement Plan*, No. 11-1253 (1st Cir. Feb. 16, 2012).