

Disability Plan Can Disclose Disputed Substance Abuse Problem to Employer Without Violating ERISA

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A former employee alleged that Aetna, as administrator of FedEx's short-term disability plan, breached its fiduciary duty under ERISA when Aetna reported to FedEx that the employee filed a disability claim for substance abuse and Aetna later failed to correct this report. FedEx's drug policy stated that the disability vendor (Aetna) would notify FedEx when an employee sought benefits for substance abuse. The U.S. Court of Appeals for the Tenth Circuit found that compliance with FedEx's policy could not constitute a breach of fiduciary duty and Aetna had not provided inaccurate information to FedEx and thus the appeals court upheld the district court's summary judgment on the claim. [**Williams v. FedEx Corp. Services and Aetna Life Ins. Co., No 16-4032 \(10th Cir. Feb. 24, 2017\)**](#)