

# DOL Brief Supports ERISA Claims for Violation of Mental Health Parity Requirements

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October 20, 2020

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The U.S. Secretary of Labor (the **Secretary**) recently filed an amicus (friend of the court) brief with the U.S. Court of Appeals for the First Circuit arguing that, where a beneficiary alleged that he was denied covered mental health benefits because his employer's group health plan applied an exclusion in violation of ERISA's mental health parity requirements, he is authorized to bring a claim for those benefits under ERISA. ERISA Section 502(a)(1)(B) allows a beneficiary to bring a civil action to recover benefits due to him under the terms of his plan, to enforce his rights under the terms of the plan, or to clarify his rights to future benefits under the terms of the plan. The amicus brief was filed in the case of *N.R. v. Raytheon Co.*, in which a beneficiary of the company's self-funded health plan was denied coverage for speech therapy treatment under the terms of the plan by the plan's claims administrator. The parents of the beneficiary brought a class-action complaint under ERISA and the Mental Health Parity and Addiction Equity Act of 2008 (**MHPAEA**) against the company, the plan, and the plan administrator arguing that the defendants violated ERISA and the MHPAEA by excluding all coverage of medically necessary speech therapy to treat developmental health conditions through the plan's exclusions, which were a proxy for disability discrimination. The district court dismissed the ERISA Section 502(a)(1)(B) claim, asserting that participants who have been denied mental health benefits in violation of MHPAEA protections may not enforce such rights under Section 502(a)(1)(B). In its amicus brief, the Secretary requested that the First Circuit reverse the district court's holding that a beneficiary who alleges his plan denied him a benefit in violation of the MHPAEA's parity requirements cannot bring a claim under Section 502(a)(1)(B). The amicus brief is available [here](#)