

## Eleventh Circuit Eliminates Exhaustion Requirement for Statutory ERISA Claims

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In an *en banc* decision in *Bolton v. Inland Fresh Seafood Corporation of America*, the Eleventh Circuit overruled its longstanding rule requiring plaintiffs to exhaust internal plan procedures before bringing statutory ERISA claims, including claims for breach of fiduciary duty. The court held that ERISA does not require plaintiffs asserting statutory claims to exhaust a plan's internal administrative procedures before filing suit in federal court. With this decision, the Eleventh Circuit joins the Third, Fourth, Fifth, Sixth, Ninth, Tenth, and D.C. Circuits, all of which have held that exhaustion is not required for statutory ERISA claims. The Seventh Circuit, by contrast, leaves the exhaustion question to the district court's discretion.

In light of *Bolton*, plan sponsors and fiduciaries in the Eleventh Circuit should anticipate that statutory ERISA claims may now be brought directly in federal court without first exhausting internal plan procedures. Plan sponsors should review their plan documents and summary plan descriptions with counsel to assess whether to adopt claims-procedure language that addresses statutory claims. It is important to note that *Bolton* addresses only statutory claims, such as a breach of ERISA fiduciary duty, and that participants seeking to contest a denial of plan benefits generally remain subject to applicable administrative exhaustion requirements before filing suit in federal court.

The opinion in the *Bolton* case is available [here](#).