

## Eleventh Circuit Holds that Sub-Assignee Has Standing to Assert Claims

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An ERISA plan participant assigned her claims for benefits under an employer-sponsored group health plan to her medical service provider. The service provider then assigned those claims to a sub-assignee collection agency which brought suit against BlueCross BlueShield of Florida. Citing Fifth Circuit precedent, the Eleventh Circuit held that the collection agency had derivative standing to sue under ERISA Section 502(a), notwithstanding the agency's status as a sub-assignee of the participant's benefit claim. The Court explained that nothing in ERISA prohibits a non-healthcare provider from obtaining derivative standing through a sub-assignment, and that allowing a healthcare provider to sub-assign claims does not frustrate the purposes of ERISA. Note that the holding of this case is relevant for ERISA plan sponsors only to the extent that plan participants are permitted under the terms of their plans to make initial assignments of plan benefits. *Gables Ins. Recovery, Inc., v. Blue Cross & Blue Shield of Fla., Inc.*, No. 15-10459, 2015 WL 7729474 (11th Cir. Dec. 1, 2015)(unpub'd). A copy of the Opinion is available [here](#).