

Ninth Circuit Clarifies Analysis for Dismissing Claims for Lack of Standing

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A former employee filed a lawsuit under ERISA claiming that his former employer wrongly terminated his long-term disability benefits. The federal district court dismissed the case for lack of subject matter jurisdiction because the employee was not a participant in the plan and thus did not have standing to file suit under ERISA. The U.S. Ninth Circuit Court of Appeals vacated the dismissal explaining that if there is a colorable claim, the suit should not be dismissed. The Court explained that whether the former employee is a participant was a substantive element of his claim. *Leeson v. Transamerica Disability Income Plan*, No. 2:04-cv-00471-RSM (9th Cir. Jan. 23, 2012).