

## Seventh Circuit Rules that Benefit Denial Did Not Comply with ERISA Notice Requirements

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The Seventh Circuit ruled that a pension plan's denial of disability retirement benefits failed to comply with the notice requirements of ERISA. The denial letter merely asserted that the plaintiff was not permanently disabled, and failed to (i) provide the specific reason for the adverse determination, (ii) reference the specific plan provision on which it was based, (iii) provide a description of any additional material required, (iv) provide reference to the criteria relied upon in making the adverse decision, and (v) include a statement of the plaintiff's right to bring a civil action. Due to this failure to comply with ERISA's notice requirements, the court remanded the case back to the plan to determine, de novo, whether the plaintiff was entitled to disability benefits. The case illustrates the importance of carefully following ERISA's procedures in drafting claim denial letters. *Kough v. Teamsters' Local 301 Pension Plan*, No. 1:06-cv-05235 (7th Cir. Aug. 18, 2011).