BCLP. Client Intelligent

BenefitsBCLP

SUPREME COURT TO HEAR CASE ON ACCRUAL OF CAUSES OF ACTION UNDER ERISA

Apr 16, 2013

Yesterday, the Supreme Court granted a plan participant's petition for a writ of certiorari in *Heimeshoff v. Hartford Life & Acc. Ins. Co.*, No. 12-729, 2013 WL 1500233 (Apr. 15, 2013). The Court limited its review to a single question raised by the petitioner: "When should a statute of limitations accrue for judicial review of an ERISA disability adverse benefit determination?" The Supreme Court declined review of two other questions raised by the petition regarding the adequacy of notice provided to the participant: (1) "What notice regarding time limits for judicial review of an adverse benefit determination should an ERISA plan or its fiduciary give the claimant with a disability claim?"; and (2) "When an ERISA plan or its fiduciary fails to give proper notice of the time limits for filing a judicial action to review denial of disability benefits, what is the remedy?"

The Second Circuit in *Heimeshoff* had affirmed the district court's judgment, holding that Connecticut law permitted the plan to shorten the applicable state limitations period (to a period not less than one year) and that the plan's three-year limitations period could begin to run before the participant's claim accrued, as prescribed by plan terms. *Heimeshoff v. Hartford Life & Acc. Ins. Co.*, 496 Fed. Appx. 129, 130 (2d Cir. 2012). In this case, the plan provided that the limitations period ran from the time that proof of loss was due under the plan. Id.

In January, Bryan Cave issued a client alert detailing the Second Circuit opinion in *Heimeshoff*.

MEET THE TEAM

Jeffrey S. Russell

St. Louis

jeffrey.russell@bclplaw.com
+1 314 259 2725

Jonathan B. Potts

St. Louis

jonathan.potts@bclplaw.com
+1 314 259 2403
