

Case Results ERISA Long Term Disability Claims

1. Federal judge finds nurse with Sjogren's syndrome disabled from performing her occupation. 2012 U.S. Dist. LEXIS 38257 (Mar. 21, 2012 E.D. Pa).
2. Judge Schiller finds that the insurance company erred by finding that a phlebotomist was not disabled due to panic attacks and difficulty concentrating. 2012 U.S. Dist. LEXIS 8027 (Jan. 24, 2012 E.D. Pa.).
3. Judge Tucker found that an "ERISA Statement" containing discretionary language was not part of the plan document so the standard of review is de novo instead of the arbitrary and capricious standard of review. 2011 U.S. Dist. LEXIS 39518 (April 12, 2011 E.D. Pa.).
4. Judge Sanchez decided that the long term disability carrier's decision was arbitrary and capricious because the carrier failed to conduct an in-person exam for a psychiatric disability, unreasonably relied upon the opinion of a non-treating physician, relied upon favorable parts while arbitrarily ignoring unfavorable parts of the notes and letters from the treating physician and therapist, and changed its opinion regarding the disability without any corresponding change in her medical condition. 2014 U.S. Dist. LEXIS 74632 (June 2, 2014 E.D. Pa.).
5. Judge Leeson found that an individual can be disabled from performing their own occupation by the amount of pain that they have. 2015 WL 4477039 (July 22, 2015 E.D. Pa.).
6. Judge Stengel found that from a reading of the record, it is clear that Aetna's goal was to deny the plaintiff's long term disability claim. "Aetna's determination appears to have given great weight to their own experts while giving little, if any, consideration to the plaintiff's own treating physician. Without further explanation, this is an abuse of discretion." 2015 U.S. Dist. LEXIS 147340 (Oct. 30, 2015 E.D. Pa.).
7. Judge Schmehl remanded a case back to the plan administrator to determine if plaintiff's use of Oxycodone would have prevented her from performing her duties in the national economy as it did in her specific position. 2016 WL 3078192 (June 1, 2016 E.D. Pa.).
8. On May 22, 2017, Judge Stengel adopted the Report and Recommendation of Judge Rice and awarded attorney's fees in the amount of \$27,055 against Aetna for terminating a claimant's long term disability benefits. 2017 WL 2224944 (May 22, 2017 E.D. Pa.).