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* ALSO ADMITTED IN DISTRICT OF COLUMBIA
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INSURANCE LAW BULLETIN

Re: **Fourth Circuit Holds District Court Erred By Applying Social Security Ruling To ERISA Benefit Plan**

The United States Court of Appeals for the Fourth Circuit recently vacated a decision of the United States District Court for the District of Maryland, which had ruled in favor of a disability claimant based on the application of Social Security Ruling 90-1p.

A plan participant filed this action after the insurer denied disability benefits allegedly due under an employer-sponsored welfare benefit plan. The district court opined that the “evidentiary assessment of pain cannot reasonably differ whether a claimant seeks disability benefits under a private plan of insurance or under the public scheme of social security. Proof is proof.” Thus, the district court reasoned, the plan participant’s pain claim should be measured in light of SSR 90-1p. The district court granted summary judgment in favor of the participant, awarding him both benefits and attorneys’ fees.

On appeal, the insurer argued, and the Fourth Circuit agreed, that the district court’s decision violated the rationale and reasoning articulated by the Supreme Court in *Black & Decker v. Nord*. According to the Fourth Circuit, the district court erred by “equating the determination of disability under the Social Security regime with the determination of disability under the ERISA plan at issue.” The Fourth Circuit further reasoned that “what qualifies as a disability for social security disability purposes does not necessarily qualify as a disability for purposes of an ERISA benefit plan – the benefits provided depend entirely on the language in the plan.” The Court vacated the judgment and the award of attorneys’ fees.

For further information or a copy of the court’s opinion, please contact **Bryan D. Bolton**, who represented the insurer in this matter, at 410-659-7754 or bbolton@fblaw.com. Please visit our website at www.fblaw.com.

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