

VIRGINIA LAWYERS WEEKLY

Vol. 30, No. 3

valawyersweekly.com

June 22, 2015

VERDICTS & SETTLEMENTS

Claimant won ERISA appeal against disability insurer

\$262,158

Insurance Benefit

The claimant was a senior systems analyst who became disabled after struggling with rheumatoid arthritis, osteoarthritis, de Quervain syndrome (similar to carpal tunnel syndrome) and myriad other related conditions. Her employer's ERISA long-term disability plan originally approved the claim and began to pay monthly benefits. Then, on the basis of physical therapy notes regarding treatment for the low back, benefits were terminated. The notes specifically referenced decreased pain, stiffness and swell-

ing and a mild increase in lumbar ROM.

An ERISA administrative appeal followed which argued, in large part, that CIGNA had ignored (and did not dispute the truth of) large portions of the medical records that demonstrated that the claimant's hand and cervical spine pain and limitations had not improved. The appeal included an extensive analysis of ERISA case law, updated witness statements and additional medical literature.

CIGNA reinstated benefits. The expected lifetime value of the monthly benefits is \$262,158.

[15-T-070]



GLASS



CABALLE

Type of action: Long-term disability insurance claim under ERISA

Date resolved: May 2015

Verdict or settlement: Case won on administrative appeal before filing

Amount: \$262,158 (lifetime value of monthly benefits)

Plaintiff's attorneys: Benjamin W. Glass III and Jose Caballe, Fairfax

Insurance carrier: CIGNA Group Insurance