



News

Client Success: Ninth Circuit Affirms Judgment for Unum Life In ERISA Disability Benefits Case

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The Ninth Circuit Court of Appeals recently affirmed the judgment entered in favor of Hinshaw client Unum Life Insurance Company of America in a case involving a claim for disability benefits by a former engineer at The Aerospace Corporation. Unum issued the group insurance policy that funded the disability benefits provided under Aerospace's ERISA-governed employee welfare benefit plan. Hinshaw partner Robert Hess represented Unum at trial in the district court (Central District of California), and on appeal before the Ninth Circuit.

The claimant asserted he was totally disabled due to chronic fatigue syndrome, but Unum determined he was capable of performing his occupational duties and therefore not entitled to benefits under the terms of the plan. The district court, applying a *de novo* standard of review, agreed with Unum that the medical evidence did not establish that the claimant was totally disabled. In finding that the claimant was not disabled from performing his occupational duties, the court found that "Unum correctly focused on Plaintiff's allegedly disabling symptoms rather than his diagnosis of CFS," and held that "Plaintiff has failed to demonstrate that he meets the definition of disabled under the LTD Plan." The court also held that Unum was entitled to judgment on Plaintiff's claim for breach of fiduciary duty under ERISA Section 502(a)(3).

Following appeal to the Ninth Circuit, a panel of three judges affirmed the district court's judgment.

The case is *Western v. Unum Life Insurance Company of America*, No. 18-56039, 798 F.App'x 154, 2020 U.S. App. LEXIS 8362 (9th Cir. March 17, 2020)

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