



PRESS RELEASE

FOR RELEASE
November 8, 2007

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A Parent's Federal Court Battle for Benefits

Madison, WI –By her attorneys at ABC for Health Inc, Sharon Mondry appeared in front of the U.S. Court of Appeals for the Seventh Circuit this week against Connecticut General Life Insurance Corporation (CIGNA) and American Family Mutual Insurance Company. She brought suit against the two health plan administrators for violating federal laws when they denied health benefits for her son, Zevee.

Sharon was employed by Madison based American Family Mutual Insurance Company at the time her health benefits claims were denied. American Family purchased its employee health care plan from CIGNA, one of the nation's largest providers of group health policies. Sharon encountered difficulty with both insurance companies when she needed their assistance the most. Zevee, now diagnosed with Autism, lost his ability to communicate by speech at the age of eighteen months. Sharon felt fortunate that her American Family plan included coverage for Zevee's speech therapy. Naturally, she was devastated when her fortunes changed and CIGNA refused to pay for Zevee's speech therapy claims five months into his necessary treatment.

The federal Employee Retirement Income Security Act (ERISA) governed Sharon's health insurance plan. While ERISA provides limited consumer remedies for policy holders, it does require plan administrators to respond within thirty days to a participant's request for information about the terms of the plan. Sharon and her attorneys at ABC for Health made at least 38 requests for the documents used to deny services for Zevee from CIGNA and American Family. Sharon, through a mother's sheer persistence and determination, gradually coaxed the information from CIGNA. After nearly three years of fighting, CIGNA agreed to pay for the claim, but for inexplicable reasons, they only paid part of the outstanding bill.

At this week's oral arguments, Public Interest Attorney Bobby Peterson of ABC for Health, Inc. stated, "We are asking this court to ensure a fundamentally fair process. In this case, it was anything but!" Members of the Court of Appeals chastised the action and inaction of CIGNA and American Family, stating this was "not a garden variety benefit dispute." Judge Joel M. Flaum barked at CIGNA during oral arguments, "You were hiding the ball! You were hiding the ball...[You] were using secret information to deny these claims." Counsel for American Family Insurance stated that one can always argue that "the plan administrator could have done more." Judge Ilana Diamond Rovner refuted those comments, stating, "how about *done something*...[Ms. Mondry] was in limbo somewhere for all those months."





ADVOCACY & BENEFITS COUNSELING FOR HEALTH

Following the arguments at the Court of Appeals, Attorney Peterson said “This case has the potential to create excellent case law. This case can hold health plan administrators accountable to the transparent process and consequences Congress intended. A strong ruling by the Court can drastically change the lives of many clients and their families.”

ABC for Health is a Wisconsin-based, nonprofit, public interest law firm dedicated to linking children and families, particularly those with special health care needs, to health care benefits and services. ABC for Health’s mission is to provide information, advocacy tools, legal services and expert support needed to obtain, maintain, and finance health care coverage and services.

Audio link for the U.S. Court of Appeals for the Seventh Circuit, Oral Argument:

<http://www.ca7.uscourts.gov/fdocs/docs.fwx?caseno=071109&submit=showdkt&yr=07&num=1109>

Judges FLAUM, KANNE, ROVNER presiding