



## Lathrop Gage Obtains Reversal in 8th Circuit

July 28, 2011

KANSAS CITY, Mo. (July 28, 2011) – In a 3-0 decision, the U.S. Court of Appeals for the 8th Circuit reversed the U.S. District Court for the Western District of Missouri and found that Union Security Insurance Company properly denied a claim for long-term disability benefits. Lathrop Gage attorneys Richard Bien (Business Litigation – Kansas City), Robyn Anderson (Business Litigation – Kansas City) and Carly Duvall (Business Litigation – Kansas City) represented Union Security.

The case, *Charles Green v. Union Security Insurance Co.*, considered the procedures that most disability insurers use to evaluate whether a claim for benefits is payable under a group policy. Union Security used independent medical examinations, functional capacity evaluations, video surveillance and independent physician review of the claimant's medical records to evaluate Green's claim. The District Court held that these commonly used investigative and evaluative procedures did not support the benefit denial. The Court of Appeals disagreed and held that the results of the review and investigation supported the benefit denial. Applying *Metropolitan Life Insurance Company v. Glenn*, a 2008 Supreme Court decision, the Court also held that there was no evidence that Union Security had a history of biased claim handling procedures and any conflict of interest that the insurer had was "at or near the vanishing point." Less than 20 percent of all appeals result in a reversal.

Bien, Anderson and Duvall concentrate their practices in employee benefit, insurance and business litigation. Bien has a Martindale-Hubbell "AV" rating, has been selected for Missouri/Kansas *Super Lawyers* and selected among *The Best Lawyers in America*. Anderson has been selected as a "Rising Star" for Missouri/Kansas *Super Lawyers*.

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