

06-923 METRO. LIFE INS. CO., ET AL V. GLENN

DECISION BELOW: 461 F3d 660

LOWER COURT CASE NUMBER: 05-3918

QUESTION PRESENTED:

1. Whether the Sixth Circuit erred in holding, in conflict with two other Circuits, that the fact that a claim administrator of an ERISA plan also funds the plan benefits, without more, constitutes a "conflict of interest" which must be weighed in a judicial review of the administrator's benefit determination under *Firestone Tire & Rubber v. Bruch*, 489 U.S. 101 (1989)?

2. Whether the Sixth Circuit erred in holding, in conflict with six other Circuits, that an ERISA claim administrator must consider and refute in its written disability determination a decision, without the underlying record, of a Social Security Administration administrative law judge?

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION AND THE FOLLOWING QUESTION: "IF AN ADMINISTRATOR THAT BOTH DETERMINES AND PAYS CLAIMS UNDER AN ERISA PLAN IS DEEMED TO BE OPERATING UNDER A CONFLICT OF INTEREST, HOW SHOULD THAT CONFLICT BE TAKEN INTO ACCOUNT ON JUDICIAL REVIEW OF A DISCRETIONARY BENEFIT DETERMINATION?" EXPEDITED BRIEFING SCHEDULE
CERT. GRANTED 1/18/2008