

04-7 MILITELLO V. CENTRAL STATES, SOUTHEAST & SOUTHWEST AREAS PENSION FUND, ET AL.

Decision Below: 360 F.3d 681 (7th Cir. 2004)

QUESTIONS PRESENTED

1. May ERISA pension plan administrators accomplish the violation of ERISA's anti-cutback provisions (29 U.S.C. § 1054(g)) by "re-interpretations" of existing pension plan provisions that expand categories of post retirement employment which would trigger benefit suspensions?
2. Do the regulations which implement 29 U.S.C. § 1053(a) authorize unbridled power to impose postretirement benefit suspensions for participants who have not attained normal retirement age?
3. Do ERISA pension plan administrators have the power to avoid de novo review of their claims decisions without notifying plan participants in summary plan descriptions of their discretionary authority to grant or deny claims by plain language calculated to be understood by the average participant?