

04-284 WAGNER V. FIRST UNUM LIFE INSURANCE CO.

QUESTIONS PRESENTED

1. Whether, when applying an abuse of discretion standard to a plausibly raised conflicted ERISA plan administrator's decision, a court may ignore that conflict unless the claimant can show in advance that the reasonableness of the decision was affected?
2. Whether the "arbitrary and capricious" standard is a proper substitute for the "abuse of discretion" standard that this Court prescribed in *Firestone*?
3. Whether, when a district court reviews an ERISA plan administrator's decision, is the court limited to the administrative record even when that record is incomplete and does not represent all of the materials used by the plan administrator to reach a decision?