

## Anderson & Kreiger Lands ERISA Win in Federal Court



Earlier in August, Steven Schreckinger obtained summary judgment on behalf of client Harvard Pilgrim Health Care before Judge Casper in a case challenging HPHC's denial of benefits for a member's care for a five month stay at a 24/7 residential treatment facility. HPHC [denied the claim](#) on the basis that the plaintiff could have been safely treated at lower level of care, such as a partial hospitalization program, which plaintiff was offered and rejected. The District Court upheld that denial on remand from the First Circuit.

Because the plaintiff had earlier succeeded at the First Circuit, she sought substantial attorneys' fees, both for her case at the District Court leading up to her appeal and for her appeal to the First Circuit for which she claimed victory based upon the First Circuit's reversal and remand of an earlier summary judgment decision in HPHC's favor. On remand the District Court not only ruled for HPHC on the merits of coverage under plaintiff's ERISA plan, but also rejected plaintiff's application for fees, finding that despite some measure of success at the First Circuit, she had not met the criteria for fees, despite obtaining a remand from the First Circuit.