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BLOG EDITORS

Kenneth A. (Ken) Mason

T 913.327.5138

kmason@spencerfane.com

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01.28.2016 [You've \(Still\) Got to Be Kidding: Supreme Court Holds ERISA Plan Participants May Ignore Reimbursement Provisions If They Spend the Money Fast Enough](#)

By Lawrence Jenab

The Supreme Court has handed down its latest in a long line of decisions on enforcing the reimbursement provisions of self-funded ERISA welfare plans. As evidenced by the Court's lopsided 8-1 decision, the result in *Montanile v. Board of Trustees of the National Elevator Industry Health Benefit Plan* will not surprise those familiar with the law in this area. But as indicated by Justice Ginsburg's indignant dissent, plan sponsors may find the decision downright bizarre. After all, it tells participants who double-recover for medical benefits paid by their employer's health plan that they're off the hook – if they spend the money fast enough.

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