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Ninth Circuit Concludes Domestic Partner Entitled To Benefits

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The Ninth Circuit concluded that a plan fiduciary abused its discretion in denying survival benefits to a pension plan participant's domestic partner. In so ruling, the Court explained that the plan's choice of law provisions provided that the plan would be governed by California law in a manner consistent with the requirements of the Code and ERISA and, at the time the participant retired, California law afforded domestic partners the same rights and benefits as those granted to spouses. Accordingly, the Court reversed the district court's decision that domestic partners were not included within the definition of spouse under the plan and remanded with instructions to determine the benefits due to the domestic partner-beneficiary. The case is *Reed v. KRON/IBEW Local 45 Pension Plan*, No. 4:16-cv-04471-JSW (9th Cir. May 16, 2019).

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