

## ERISA Participant's Supplemental Submission Doesn't Restart Exhaustion Clock

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A federal district court in **New Jersey** held that supplemental documentation submitted by a participant in connection with the claims review process did not restart the clock for a claims administrator to decide the participant's appeal. Plaintiff Tracee Lewis-Burroughs timely appealed Prudential Insurance Company of America's decision to stop paying her long-term disability benefits. Shortly after she filed her appeal, Plaintiff submitted additional documentation to support her claim that had not been requested by Prudential. Plaintiff filed suit when she did not receive a response from Prudential within 90 days after submitting her initial appeal. Prudential moved to dismiss on the ground that Plaintiff failed to exhaust her administrative remedies; Prudential argued that it had 90 days from the date Plaintiff submitted her supplemental documentation, not 90 days from the date her appeal was initially submitted. According to the court, the 90-day clock did not restart upon the submission of the additional documentation. The case is **Lewis-Burroughs v. The Prudential Ins. Co. of Am.**, No. 14-1632, 2015 WL 1969299 (D.N.J. Apr. 30, 2015).

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