

COURT DISMISSES COBRA LAWSUIT

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The U.S. District Court for the Middle District of Florida recently dismissed a class action lawsuit against Southwest Airlines. The plaintiff, on behalf of herself and other similarly situated individuals, alleged that the company violated the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") by failing to provide timely and proper notice of the right to continue health insurance coverage after her employment was terminated. In this case, although the plaintiff was terminated in May, she remained covered by the company's health plan until early August when the union rejected her grievance and upheld her termination. Although the parties dispute whether a COBRA notice was furnished in May, it is undisputed that the plaintiff received a COBRA notice in early August. The plaintiff argued the August COBRA notice was late (beyond the 44 days from the date of termination of employment) and that the notice did not include certain statutorily required information such as the plan name and plan administrator contact information. The court dismissed the lawsuit largely based on standing, noting that the plaintiff failed to show that she was injured by the alleged deficiencies in the COBRA notice (*Carter v. Sw. Airlines Co. Bd. Of Trs.*, M.D. Fla. December 2020).

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