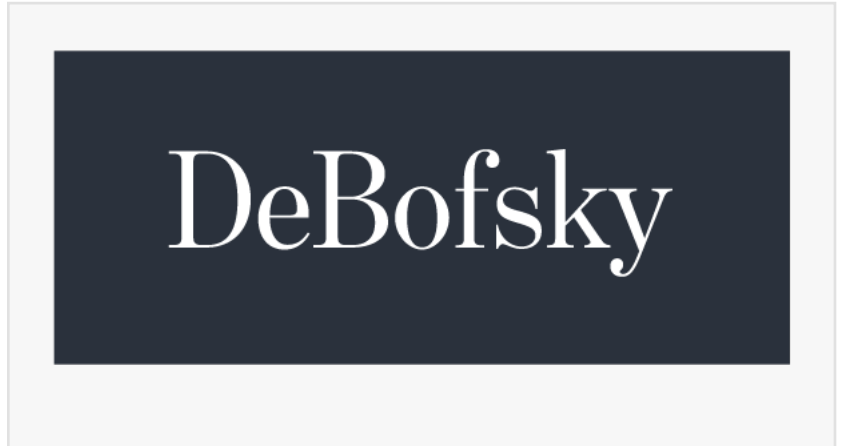


# Eleven Years After Fontaine Ruling, Disability Claimants Continue to Face Significant Hurdles Under ERISA

*Attorney Mark DeBofsky says insurer denial tactics have evolved but the burden on claimants has not*

CHICAGO, IL, UNITED STATES, March 9, 2026 /EINPresswire.com/ -- More than a decade after a landmark federal appeals court ruling reshaped how judges review disability insurance denials, Chicago attorney Mark DeBofsky says the legal landscape has shifted, but the challenges facing claimants have not.



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*Mark DeBofsky - Partner at DeBofsky Law*

designed to produce a denial," said DeBofsky, founding partner of DeBofsky Law. "For professionals with invisible symptoms like chronic pain, cognitive impairment, or mental health conditions, proving disability remains particularly difficult. Insurers often dismiss psychiatric diagnoses as subjective and use surveillance footage to highlight a claimant's good days while discounting the medical record."

The comments come as DeBofsky marks 11 years since the Seventh Circuit's decision in *Fontaine v. Metro. Life Ins. Co.*, No. 14-1984 (7th Cir. Sept. 4, 2015), a September 2015 ruling that established Illinois state insurance regulations

prohibiting discretionary clauses were not preempted by federal ERISA law. The decision required courts to evaluate claim denials using a "de novo" standard, reviewing evidence independently rather than deferring to the insurer's original determination.

In the Fontaine case, Mary Fontaine, a former equity partner at a major law firm, was forced to retire after 30 years due to vision problems. Metropolitan Life denied her long-term disability claim, arguing its decision should receive deferential review. DeBofsky successfully argued that allowing insurers to bypass state protections through plan language would "potentially displace any state regulation." The decision aligned the Seventh Circuit with the Sixth and Ninth Circuits, changing disability litigation in Illinois and beyond.

"The Fontaine case leveled the playing field," DeBofsky said. "But insurers adapted. They shifted tactics. Claimants still face the same fundamental challenge: proving their disability to a company with a financial interest in the outcome."

DeBofsky says many claims that are later overturned on appeal are denied during the initial administrative process, forcing disabled workers to navigate complex ERISA appeals while managing lost income, mounting medical bills, and the stress of their underlying condition.

#### Expert Available for Interview

Mark DeBofsky is available to discuss current insurer denial tactics, the impact of the Fontaine decision, and trends in disability insurance litigation.

#### About DeBofsky Law

DeBofsky Law specializes exclusively in ERISA litigation, disability insurance claims, life insurance disputes, and accidental death and dismemberment claims. The firm represents individuals nationwide who have been wrongfully denied benefits.

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