STATE OF MICHIGAN

COURT OF CLAIMS

JESSICA KEMETER,

Plaintiff,

v

Case No. 22-000094-MK

BOARD OF REGENTS FOR THE UNIVERSITY OF MICHIGAN,

Hon. Sima G. Patel

Defendant.
_____ /

ORDER GRANTING DEFENDANT'S 10/9/2025 MOTION FOR CLARIFICATION

On July 10, 2025, the Court denied defendant's September 3, 2024 renewed motion for partial summary disposition regarding the correct standard of review and instead granted partial summary disposition in plaintiff's favor on that issue. In doing so, the Court incorporated pages 4 through 10 of Judge Shapiro's February 22, 2024 opinion and order denying defendant's motion for summary disposition, which "outlined the proper standard of review in great depth." The Court concluded "that the de novo standard of review will be applied to the claims administrator's decision."

On October 9, 2025, defendant moved for clarification of the Court's July 10, 2025 order. Specifically, defendant inquires whether the Court's de novo review "will be a review of whether the Claims Administrator's denial was an exercise of good faith discretion, or will be limited to the issue of whether plaintiff was totally disabled as defined by the LTD Plan."

The Court GRANTS defendant's motion for clarification and directs it to pages 9 through 10 of the February 22, 2024 opinion and order. The Court rejected defendant's argument that "de novo review of disability benefit determinations is unworkable, since courts will be placed in the position of resolving competing medical opinions." Further, in ruling that de novo review is the default standard, the Court noted that even in ERISA cases involving unfunded plans, the administrative rules "prohibit[] insurers from issuing contracts or policies that contain discretionary clauses." Based on this language, the de novo standard review applies to the determination of disability as defined under the LTD policy.

IT IS SO ORDERED. This is not a final decision resolving all issues in this case.



Date: October 10, 2025

Sima G. Patel
Judge, Court of Claims