

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION

EDDIE L. GIBSON

PLAINTIFF

VS.

CASE NO. 08-CV-1039

ALCOA, INC., SAPA EXTRUSIONS,  
INC. A/K/A/ SAPA FABRICATED  
PRODUCTS, HEWITT ASSOCIATES  
and METLIFE GROUP, INC.

DEFENDANTS

**ORDER**

Before the Court is Plaintiff's Motion for *De Novo* Review. (Doc. No. 24). In the motion, Plaintiff asks the Court to apply a *de novo* standard of review in this case. The Defendants have responded conceding that *de novo* is the appropriate standard of review to be applied. (Doc. No. 29). The matter is ripe for consideration.

The Plaintiff in this matter seeks relief under the provisions of 29 U.S.C. §1132 claiming that the Plaintiff is due benefits under the terms of an ERISA plan. The Supreme Court has held that "a denial of benefits challenged under § 1132(a)(1)(B) is to be reviewed under a *de novo* standard unless the benefit plan give the administrator or fiduciary discretionary authority to determine eligibility for benefits or to construe the terms of the plan." *Firestone Tire & Rubber Co. v. Bruch*, 489 U.S. 101, 115, 109 S.Ct. 948, 956-57, 103 L.Ed.2d 80 (1989). In this case, the benefit plan does not give the plan administrator, MetLife, discretionary authority to determine eligibility for benefits or to construe the terms of the plan. Therefore, the Court must review the denial of benefits in this case under a *de novo* standard. Accordingly, the Court finds that

