

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BALD MOUNTAIN HOLDINGS, LLC,

Plaintiff,

Case No. 16-13518

v.

Hon. John Corbett O'Meara

AETNA HEALTH INSURANCE CO.,

Defendant.

**ORDER DENYING PLAINTIFF'S MOTION
TO SUPPLEMENT THE ADMINISTRATIVE RECORD**

Before the court is Plaintiff's motion to supplement the administrative record, which Defendant opposes. Plaintiff filed this action to recover benefits under an Aetna group health insurance plan pursuant to ERISA. Plaintiff seeks to supplement the administrative record with a document that Defendant contends it never received and was not part of its file.

In its review of Defendant's decision to deny benefits, the court is "confined to the record that was before the Plan Administrator." Wilkins v. Baptist Healthcare Sys., Inc., 150 F.3d 609, 615 (6th Cir. 1998). Plaintiff has not demonstrated that the document it seeks to include in the administrative record was in fact "before the Plan Administrator." See Def.'s Ex. A, Declaration of Kimberly Depaepe; Pl.'s Ex. 2, Affidavit of Brittany Davey. In addition, Plaintiff has not

established that the court may otherwise consider the document at issue. See id. at 619 (“The district court may consider evidence outside of the administrative record only if that evidence is offered in support of a procedural challenge to the administrator’s decision, such as an alleged lack of due process afforded by the administrator or alleged bias on its part.”).

Accordingly, IT IS HEREBY ORDERED that Plaintiff’s motion to supplement the administrative record is DENIED.

s/John Corbett O’Meara
United States District Judge

Date: June 21, 2017

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, June 21, 2017, using the ECF system.

s/William Barkholz
Case Manager