

**Publications**

# The Tide is Turning Against Discretionary Authority and the Abuse-of-Discretion Standard of Review

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**PUBLISHED**

06/20/2017

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*Orzechowski v. Boeing Co. Non-Union Long-Term Disability Plan* (9th Cir. May 11, 2017) is the latest in a string of court decisions that undermine the abuse-of-discretion standard of review in ERISA disability benefits cases. It may not be the last. Please see the attached memo for further information.

[The Tide is Turning Against Discretionary Authority and the Abuse-of-Discretion Standard of Review](#)