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IMPORTANT TAX INFORMATION

What You Need to Know About Filing Your 5500 (EFAST2)

Date: Tuesday, July 13, 2010

Time: 11:30 a.m., EST

Meeting Number: 739 266 628

Meeting Password: EFAST

The Department of Labor (DOL) now requires electronic filing of form 5500, known as "EFAST2". In the past, employee benefit plans could submit Form 5500 filings on paper. However, effective January 1, 2010, paper filings are no longer accepted.

Join Steven Sokolic, an ERISA Attorney and J. Reed Cline, QPA, QKA, Technical Consultant from BCG to find out what you need to know concerning EFAST2. This webcast will provide comprehensive information regarding EFAST2 to help Plan Sponsors with filing their Form 5500 electronically.

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Hot Subjects

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BCG Supports Philanthropic Client...Clinton Bush Haiti Fund Organization

For over fifty years, Benefit Consultants Group (BCG) has been a trusted partner for businesses, philanthropic foundations, and nonprofit organizations to manage and assess their retirement plan needs. BCG is considered a revered leading retirement plan provider, and brings the expertise and knowledge to support the needs and requirements of the non-profit marketplace. That's just one of the many reasons why the Clinton Bush Haiti Fund (CBHF) chose to be a client of BCG.

[Here](#)

To join the audio conference only

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Supreme Court Makes It Easier for Plan Participants to Recover Attorney's Fees

ERISA has always provided that the court may, in its discretion award attorney's fees and costs to either party in most legal actions brought under the statute. Many courts have held that in order to recover attorney's fees, the participant must be the prevailing party. Other courts held one did not need to prevail in order to recover attorney's fees. The Supreme Court recently resolved this conflict, holding that attorney's fees may be recovered if the participant has "some degree of success" on the merits of the case.

The case producing this result involved an employee who applied for disability benefits. The plan administrator rejected her claim and she took the case to court. The court ruled that the plan administrator did not consider all the information pertaining to the claim. It sent the case back to the plan administrator directing it to review its initial findings, with the caveat that it appeared the participant was entitled to benefits.

After the administrator reversed itself, the participant sought attorney's fees in the case. The lower court held the participant was not entitled to attorney's fees because she has not prevailed in the case before the court. This was because the court did not issue a judgment in her favor but merely sent the case back to the administrator for reconsideration.

The United States Supreme Court reversed the lower court's decision. It held that a plan participant need not be a prevailing party to be awarded attorney's fees, but only need to achieve

Former Presidents William Clinton and George W. Bush formed the Clinton Bush Haiti Fund to provide immediate relief and long-term support to earthquake survivors. It will foster economic opportunity, improve the quality of life, and assist the people of Haiti as they rebuild their lives.

"We are proud to work with such a respected philanthropic organization that helps to build a better future for the Haitian people, and we support their needs so they can achieve their mission," said Bob Paglione, CEO of BCG. "That's why we chose to not only make a financial donation, but also help raise additional funds through our BCG website (www.bcgbenefits.com). On our website, we have added a Clinton Bush Haiti Fund banner that is linked directly to their website so that others may make donations and support this worthy cause," added Paglione.

Testimonial Corner

Here's what another client is saying about BCG...

"I just wanted to send a brief note to let you know that Sandy Coulter is doing a great job providing my client and myself with prompt professional service. I brought this group to BCG ten years ago and the plan assets have grown significantly. Sandy has been my BCG contact for the last few years and realizes how important this group is to

"some degree of success" on the merits of his or her claim. This is more than a trivial success on the merits or a purely procedural victory, but less than prevailing on the merits where the court definitively rules in your favor. In this case, the participant did not win a judgment in her favor, but the case was sent back to the plan administrator with the clear implication that a mistake had been made on the first review.

Just what constitutes "some degree of success" on the merits of a claim will have to be further interpreted in future court cases. But one thing is clear: Winning attorney's fees in ERISA cases will be easier in the future. Accordingly, all claims for benefits or information about the plan or the benefits there under need to be taken seriously and responded to promptly.

Benefit Consultants Group helps you respond properly to all participant inquiries, whether or not they rise to the level of a claim.



Benefit Consultants Group

is the first retirement plan provider in the country to be ISO 9001 Registered.



For more information about our services, please call 800-524-401k, or visit our website at www.bcgbenefits.com.

my practice."

Drop us an email and let us know how we met or exceeded your expectations. - [Click Here!](#)

