

January 8, 1975

Dear :

This is in response to your letter of December 12, 1974, in which you inquired whether the document pursuant to which an employee benefit plan subject to Title I of the Employee Retirement Income Security Act of 1974 (ERISA) is established and maintained must include the claims procedure required under section 503 of the ERISA and under 29 CFR Part 2560, 39 FR 42242 (as proposed on December 4, 1974) if such procedures are included in the plan description and summary plan description.

Section 503 of the ERISA requires every employee benefit plan subject to Title I of the ERISA to provide plan participants and beneficiaries whose claims for benefits have been denied, adequate written notice of the denial and to afford them a reasonable opportunity for a full and fair review. The proposed 29 CFR Part 2560 establishes minimum standards for compliance with section 503. Neither section 503 nor proposed Part 2560 requires that these claims procedures be included in the written instrument pursuant to which, under ERISA section 402 (b), an employee benefit plan subject to Title I of the ERISA must be established and maintained, but these provisions do require such procedures to be included in the plan description and summary plan description.

Sincerely,