

E. Appeal Item Number Five (5)

Cigna's bad faith failure to produce medical documents requested by Mr. XXXX has denied Mr. XXXX a "full and fair" review as required by ERISA.

In a letter dated January 5, 2006 from Cigna Customer Advocacy Specialist Ms. Brenda Warren to Mr. XXXX, Cigna appropriately reinstated Mr. XXXX's waiver of premium benefits on the basis the decision was "premature." The letter also noted that an FCE and IME had been scheduled and made the following offer of assistance to Mr. XXXX: "If there is any other medical documentation you would like us to consider in the review of your claim, please submit it us at this time. If you need assistance in obtaining your medical documentation, please let us know from whom you would like us to request your records." (Emphasis added).

On January 11, 2006, Mr. XXXX responded in a letter to Ms. Warren's offer. In that letter, Mr. XXXX provided Ms. Warren with the names of five (5) medical practitioners from whom to request medical documentation on his behalf. He wanted the medical documentation in the file for both Cigna and the IME physician's review and furthermore, he wanted this documentation to rebut Cigna's blatant misrepresentation in correspondence dated December 21, 2005, wherein Ms. Natalie Fulton baselessly asserted that Mr. XXXX did not have one of his twelve surgical procedures.

On January 13, 2006, Ms. Warren wrote a letter acknowledging Mr. XXXX's request and stated: "we will be requesting the medical information you referenced from your doctors."

On January 31, 2006, Mr. XXXX emailed Ms. Warren to follow-up on the requests because he knew the scheduled date of the IME was approaching. Mr. XXXX sought to confirm that the IME physician would be in possession of the records when conducting his exam. Mr. XXXX asked Ms. Warren in this correspondence for copies of the requests for medical information. He listed the five (5) medical practitioners once again.

In a February 1, 2006 letter Ms. Warren responded to Mr. XXXX's second request with the following admission: "We will provide you with copies of our medical our requests for medical information as they are made. As of this writing, the information you listed has not yet been requested from your doctors."

Inexplicably, the IME took place on February 7, 2006 without the information being requested.

In an email on February 14, 2006 to Ms. Warren, Mr. XXXX asked, now for the **third** time: "I still have not received confirmation that the medical records you were to request on my behalf have been requested. Please let me know when they will be requested."