NONPRECEDENTIAL DISPOSITION
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United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Argued January 29, 2025
Decided February 19, 2025

Before

MICHAEL B. BRENNAN, *Circuit Judge*

MICHAEL Y. SCUDDER, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

No. 24-2163

KENNETH SLAUGHTER,
Plaintiff-Appellant,

v.

HARTFORD LIFE & ACCIDENT INSURANCE COMPANY,
Defendant-Appellee.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 1:22-cv-05787

Jeremy C. Daniel,
Judge.

O R D E R

Following a hospital stay for heart failure, Kenneth Slaughter sought long-term disability benefits pursuant to his former employer's group policy with Hartford Life and Accident Insurance Company. Hartford denied the claim, finding that Slaughter was not "disabled" within the meaning of the policy. The district court upheld that decision in a thorough opinion that canvassed the medical evidence and carefully applied the policy's requirements for showing a disability. While not the outcome Slaughter had wanted, we agree in full with the district court and see no factual or legal errors in its reasoning. This leaves us to affirm.

I

Kenneth Slaughter worked for 37 years at Boeing, most recently as a systems engineer focusing on cybersecurity. On August 27, 2020, Slaughter went to the emergency room at a Chesterfield, Missouri hospital complaining of chest pains and shortness of breath. A diagnosis of heart failure followed, and he remained hospitalized for a week. Slaughter never returned to work.

In January 2021 Slaughter submitted a claim for long-term disability benefits. As a benefit of employment, Boeing provided long-term disability coverage pursuant to a group insurance policy, the Group Long Term Disability Plan for Employees of the Boeing Company. Hartford Life and Accident Insurance Company issued the underlying policy and also reviews claims for benefits under the Plan. Everyone agrees that the Employee Retirement Income Security Act of 1974 governs the Boeing Plan.

Hartford denied Slaughter's claim, finding that he did not meet the Plan's definition of "disabled." The medical and other evidence, Hartford determined, did not show that Slaughter suffered from any physical or cognitive impairment so significant that he could not work as a systems engineer—either for Boeing or any other employer. Slaughter appealed and Hartford upheld its prior decision to deny long-term disability benefits.

Slaughter then turned to federal court, challenging the denial of benefits pursuant to 29 U.S.C. § 1132(a)(1)(B). The parties stipulated to the district court's resolution of the case based on the evidence in the administrative record under Federal Rule of Civil Procedure 52(a)—a point Slaughter confirmed he is not disputing on appeal. See *Fontaine v. Metro. Life Ins. Co.*, 800 F.3d 883, 885 (7th Cir. 2015) (explaining that Rule 52(a) "is well-suited to ERISA cases in which the court reviews a closed record"). Because the Plan did not grant discretionary authority to Hartford in evaluating claims, the district court reviewed Hartford's decision to deny benefits without deference. See *Firestone Tire & Rubber Co. v. Bruch*, 489 U.S. 101, 115 (1989).

To meet the Plan's definition of "disabled," Slaughter had to establish that he is prevented from performing one or more essential duties of his occupation. Hartford classifies Slaughter's position, a systems engineer, as "sedentary," meaning it requires "sitting [a] majority of [the] workday with occasional standing/walking for brief periods of time." But, as the district court recognized, a systems engineer must also perform certain cognitive tasks. See U.S. Dep't of Lab., *Dictionary of Occupational Titles*, Code 033.167-010 (4th ed. 1991).

After carefully and thoroughly reviewing the administrative record, the district court determined that Slaughter fell short of carrying his burden to show he was disabled within the meaning of the Plan. The court found that Slaughter did not establish he is unable to perform any essential duties of his job—a required component of the Plan's definition of "disabled." The district court rooted its finding largely in the opinion of Slaughter's treating cardiologist, Dr. James Ellison. The court also took care to explain why it chose not to credit the assessment provided by Slaughter's retained vocational expert, Delores Gonzalez.

In the alternative, the district court found that Slaughter failed to prove he was "under the regular care of a physician" beyond the date he initially applied for long-term disability benefits—as further required under the Plan.

In the end, then, the district court denied Slaughter's claim for benefits and granted Hartford's motion for judgment under Rule 52(a). Slaughter now appeals.

II

The sole issue before us is Slaughter's challenge to the district court's conclusion that he is not entitled to long-term disability benefits. We review the district court's legal conclusions without deference but defer to its findings of fact and application of law to those findings—reversing only for clear error. See *Hess v. Hartford Life & Acc. Ins. Co.*, 274 F.3d 456, 461 (7th Cir. 2001); see also Fed. R. Civ. P. 52(a)(6) ("Findings of fact, whether based on oral or other evidence, must not be set aside unless clearly erroneous …."). As the applicant seeking benefits, Slaughter bears the burden of proving that he is entitled to benefits under the Plan. See *Scanlon v. Life Ins. Co. of N. Am.*, 81 F.4th 672, 676 (7th Cir. 2023).

We agree with the district court's conclusion that Slaughter failed to prove he satisfied the Plan's definition of "disabled," and we adopt its reasoning in full. This conclusion obviates any need for us to reach the question of whether Slaughter was "under the regular care of a physician" within the meaning of the Plan.

The district court undertook its analysis faithful to the record evidence and diligent in its application of the Plan's requirements for establishing disability. Without repeating the district court's chain of reasoning, a couple of points warrant emphasis.

Slaughter's cardiologist, Dr. Ellison, treated him in the hospital and for several months after he was discharged. Dr. Ellison's treatment notes reflect that Slaughter's condition improved during that time. For example, three months after the hospital discharge, Dr. Ellison observed that Slaughter's "functional capacity and feeling of well

being have improved greatly." Less than a month later, he determined Slaughter "may be ready to go back to work" if his ventricular ejection fraction—which measures the volume of blood pumped with each heartbeat—increased. It did. A subsequent echocardiogram measured Slaughter's left ventricular ejection fraction at levels similar to his pre-heart failure results. And Dr. Ellison reported four days later that Slaughter "does not complain of chest pain or unusual shortness of breath," his "recent ejection fraction had improved," and his heart condition "is reasonably well compensated at this time."

It makes sense, then, that when Dr. Ellison completed his attending physician's statement as part of Slaughter's application for benefits, his report did not describe an inability to work. To the contrary, Dr. Ellison concluded that during a regular workday, Slaughter could sit for eight hours with standard breaks, stand for one hour at a time for a total of two hours, and intermittently walk for one hour at a time for a total of one hour. He also prescribed no restrictions on Slaughter's ability to sit—the most critical requirement of a sedentary occupation. And, in connection with cognitive functioning, Dr. Ellison opined that Slaughter suffered from no psychiatric or cognitive impairments.

The district court considered and emphasized all of this, and we see no clear error in any of its findings of fact or its overarching conclusion that Slaughter failed to prove his cardiac condition left him unable to perform any essential duties as a systems engineer. We agree, in short, with the district court's determination that Slaughter was not "disabled" within the meaning of the Plan.

III

Slaughter's only response is to criticize the district court's evaluation of the report submitted by Delores Gonzalez, his retained vocational expert. Gonzalez determined that Slaughter could not work not only because he could not meet the physical demands of his job due to difficulty walking and balancing, but also because he suffered daily from insomnia, depression, anxiety, and panic to degrees that left him unable to focus and concentrate during the workday. But the district court adequately explained why Gonzalez's assessment of Slaughter's limitations was inconsistent with other evidence, including the medical records and opinion of his treating cardiologist.

The arguments Slaughter presses on appeal echo the ones he raised before the district court. Having taken our own independent look at the record, we see no error, legal or factual, and therefore AFFIRM based on the district court's reasoning. We also commend the district judge's diligent and careful handling of the case.