

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Gilfillan v. Pension Benefit Guaranty Corp.

Gilfillan · No. No. 25-cv-1411 (TSC) · Decided December 17, 2025

SUMMARY

The United States District Court for the District of Columbia grants the Pension Benefit Guaranty Corporation’s motion to dismiss Frances S. Gilfillan’s claims concerning surviving-spouse pension benefits and allegedly misleading communications. The court holds that the complaint does not plausibly allege entitlement to benefits because the survivor annuity vested in the participant’s spouse at retirement and could not later be changed. The court also finds that the alleged erroneous communications do not constitute the affirmative misconduct required to equitably estop the federal government.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Tanya S. Chutkan
JURISDICTION	United States District Court for the District of Columbia
DECIDED	December 17, 2025
DOCKET	No. 25-cv-1411 (TSC)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff, proceeding pro se, brought claims against the Pension Benefit Guaranty Corporation for wrongful denial of surviving-spouse pension benefits and misleading coverage information. After transfer from the Eastern District of Pennsylvania, the PBGC renewed its Rule 12(b)(6) motion to dismiss. The court granted the motion without prejudice.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court tests the legal sufficiency of the complaint, accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff's favor, and determines whether the complaint states a plausible claim for relief. Pro se pleadings are liberally construed.
PRECEDENTIAL VALUE	Published district court memorandum opinion; no reporter citation appears in the source text

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QUESTIONS PRESENTED

1. Whether Plaintiff plausibly stated an ERISA claim for appropriate equitable relief based on the denial of surviving-spouse benefits.
2. Whether the surviving-spouse annuity vested irrevocably in Richard's spouse at the time of retirement and therefore could not be retroactively changed to designate Plaintiff after Richard remarried.
3. Whether the PBGC's allegedly erroneous communications plausibly established affirmative misconduct sufficient to support equitable estoppel against the federal government.

HOLDINGS

1. Plaintiff failed to state a plausible claim for appropriate equitable relief under ERISA because she did not plead the plan terms or facts showing that she was entitled to the surviving-spouse annuity.
2. The survivor annuity irrevocably vested in Richard's spouse at the time of his retirement and could not later be amended retroactively to designate Plaintiff, even though the original spouse predeceased Richard.
3. Plaintiff did not plausibly allege affirmative misconduct sufficient to equitably estop the federal government; allegations that the PBGC negligently provided inconsistent or erroneous information were insufficient.

KEY QUOTATIONS

“once payment of a benefit starts, the benefit form cannot be changed.” (6)

“None of these allegations, however, demonstrate “affirmative misconduct” by the PBGC.” (8)

FACTUAL BACKGROUND

Richard Gilfillan retired from Lukens Steel Company in 1991 and began receiving benefits under Bethlehem Steel Corporation's Pension Plan in the form of a joint and 50% survivor annuity. At retirement, Richard was married to Mary Gilfillan, who later died before Richard; Richard subsequently married Plaintiff Frances Gilfillan in 2003. The PBGC told Richard and later Plaintiff that Plaintiff was ineligible for survivor benefits, but communications in 2005 and a 2017 telephone call allegedly led them to believe that Plaintiff would receive benefits. After Richard's death in 2019, the PBGC denied Plaintiff's claim, citing the plan terms and 29 C.F.R. § 4022.8(d).

PROCEDURAL HISTORY

Plaintiff initially filed the action in the Eastern District of Pennsylvania. That court denied the PBGC's initial motion to dismiss without prejudice and transferred the case to the District of Columbia under 28 U.S.C. § 1406(a), striking Plaintiff's unauthorized second amended complaint. After transfer, Plaintiff filed a third amended complaint without leave; the court construed it as a motion for leave to amend, granted leave, treated the PBGC's motion as directed to the operative complaint, and dismissed the complaint without prejudice under Rule 12(b)(6).

DISPOSITION

dismissed

CASES CITED

- Moore v. Agency for International Development, 994 F.2d 874, 877 (D.C. Cir. 1993)
- Brown v. Whole Foods Market Group, Inc., 789 F.3d 146, 152 (D.C. Cir. 2015)
- Browning v. Clinton, 292 F.3d 235, 242 (D.C. Cir. 2002)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 556, 570 (2007)
- Kowal v. MCI Communications Corp., 16 F.3d 1271, 1276 (D.C. Cir. 1994)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Saunders v. Saunders, No. 23-cv-2154, 2024 WL 358181, at *1 (D.D.C. Jan. 31, 2024)
- Vanderkam v. Pension Benefit Guaranty Corp., 943 F. Supp. 2d 130, 141 (D.D.C. 2013), *aff'd sub nom. VanderKam v. VanderKam*, 776 F.3d 883 (D.C. Cir. 2015)
- Hopkins v. A.T. & T. Global Information Solutions Co., 105 F.3d 153, 156 (4th Cir. 1997)
- Rivers v. Central and South West Corp., 186 F.3d 681, 683-84 (5th Cir. 1999)
- Carmona v. Carmona, 603 F.3d 1041, 1059 (9th Cir. 2010)
- Dorn v. International Brotherhood of Electrical Workers, 211 F.3d 938, 942 (5th Cir. 2000) (*per curiam*)
- Pierce v. S.E.C., 786 F.3d 1027, 1038 (D.C. Cir. 2015)
- Keating v. F.E.R.C., 569 F.3d 427, 434 (D.C. Cir. 2009)
- GAO v. General Accounting Office Personnel Appeals Board, 698 F.2d 516, 526 (D.C. Cir. 1983)
- Sara Lee Corp. v. American Bakers Association Retirement Plan, 512 F. Supp. 2d 32, 34 (D.D.C. 2007)
- Bechtel v. Pension Benefit Guaranty Corp., 624 F. Supp. 590, 592 n.3 (D.D.C. 1984), *aff'd*, 781 F.2d 906 (D.C. Cir. 1985)
- Pension Benefit Guaranty Corp. v. White Consolidated Industries, Inc., 72 F. Supp. 2d 547, 559 (W.D. Pa. 1999)
- Masters Pharmaceutical, Inc. v. Drug Enforcement Administration, 861 F.3d 206, 225 (D.C. Cir. 2017)
- Smirnov v. Clinton, 806 F. Supp. 2d 1, 24 (D.D.C. 2011), *aff'd*, 487 F. App'x 582 (D.C. Cir. 2012)
- Office of Personnel Management v. Richmond, 496 U.S. 414, 428-29 (1990)

