



Human Resources Managers and Benefit Administrators Get Help Against Recent Supreme Court Ruling Allowing 401(k) Participants to Sue for Breach of Fiduciary Duty

EmployeeLocator.com protects businesses against potential fiduciary duty lawsuits.

Rancho Santa Margarita, CA ([PRWeb](#)) April 24, 2008 -- On February 20 the Supreme Court ruled in *LaRue v. DeWolff, Boberg & Associates, Inc.*, (No. 06-856) and held that an individual plan participant in a 401(k) plan can sue under the Employee Retirement Income Security Act (ERISA) for lost profits damages caused by the plan administrator's alleged breach of fiduciary duty which can include failure to adequately attempt to locate missing plan participants once their mail has been returned. The good news is that protection for businesses against this kind of exposure has been available for over 7 years now thanks to APSCREEN.

Tom Lawson, APSCREEN CEO, explains how this unique service benefits employers, "This ruling just solidifies what we have believed to be true for years, and was the impetus for developing our Employee Locator (www.EmployeeLocator.com) service in the first place."

Lawson continues, "If an employee leaves your company with money in an investment plan, it is the employer's duty to perform auditable and sufficient due diligence in locating that individual. To meet IRS/GATT/ERISA compliance regulations, companies administering 401K and other financial plans, must now prove reasonable due diligence in contacting past or missing employees concerning fee changes, outstanding balances, summary reports, or distributions. We make it simple and economical to locate these missing individuals, and our success rate for getting the right address the first time is 99.7%."

Judy Simons of Triad Financial Services in Escondido, California comments, "We had such a difficult time finding employees who had left our client companies and still had money in their plans. Our industry desperately needs this service. APSCREEN makes the process of finding someone so easy and their hit rates are very high. They definitely fulfill our due diligence requirements."

APSCREEN (<http://www.APSCREEN.com/>), founded in 1980 is the originator of the modern-day factual employment-screening concept. Other services include tenant screening and employee locates. Tom Lawson, CII, is also a certified fraud examiner, expert witness and is a founding member of the National Association of Professional Background Screeners (NAPBS) and holds key positions in several national trade associations. Lawson is available for public speaking engagements and white papers can be obtained by calling 1 800 277-2733.

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