

### **Torres-Negron v. Ramallo Bros.**

(United States District Court, Puerto Rico, 203 F. Supp. 2d 120 (D.P.R. 2002))

Mayra Torres-Negron was the Human Resources Director for Ramallo Brothers from November 8, 1997, until July 31, 1998. Her employer had a group health plan that was subject to COBRA. On several occasions during her tenure, Torres-Negron tried to explain to her employer that it was obligated to notify all former employees of their COBRA rights. Her explanations fell on deaf ears.

When she was terminated, Ramallo Brothers did the expected by failing to provide Torres-Negron with the required COBRA election notice. Shortly after Torres-Negron filed a COBRA lawsuit about 10 months later, Ramallo Brothers sent an election notice on June 25, 1999. The employer tried to argue that, based on Torres-Negron's knowledge of COBRA, that she did not need a COBRA notice.

The Court held that a former employee's knowledge of COBRA is irrelevant. The Court assessed a daily penalty of \$45 each for Torres-Negron and her minor son a total of \$24,390, in addition to an award of attorneys fees and costs.