

From: John J. Spiegel [mailto:jspiegel@bellsouth.net]
Sent: Tuesday, October 24, 2017 7:17 AM
To: EBSA, E-ORI - EBSA
Subject: DOL RIN 1210-AB39 Proposed Delay 29 C.F.R. 2560.503-1

Dear Deputy Assistant Secretary Hauser:

Please accept my comments pertaining to the proposed delay in implementation of new regulations for plans providing disability benefits.

I have been an attorney for more than 30 years, and for nearly that entire time, I have represented disability benefit claimants, giving me an opportunity to see the impact of DOL regulations on my clients and on the claim determination process. I am strongly opposed to any delay in implementing the new regulations which help to provide more transparency and fairness in the claims process.

It is ironic that an ERISA cornerstone requirement of "full and fair review" appears to have been avoided in the process surrounding the proposal to delay these regulations. Information was provided to the DOL without any notice to the public, and without any opportunity for review and comment. The industry alleges that the new regulations will be "costly" yet there has been no publication of the bases for this claim, nor has there been a full disclosure of any data which purports to support this claim. Claimants and their representatives are unable to respond to the "data" as it is being hidden from them.

Attempting to end-run the claims process is common and deplorable industry conduct, usually referred to as "sand-bagging." And, it is that very conduct at work here to not just delay implementation, but to roll back and rescind these important new rules. This unfair conduct is the reason the new rules were crafted and is the misconduct the new rules are designed to prohibit. Yet, this type of conduct is acceptable here? By the DOL? I find that hard to believe.

DOL conducted a complete review, including a full, fair and open comment period before deciding to implement these new rules. To delay now, based on late filed, unchallenged information is unacceptable. Please do not delay the implementation of these new rules.

Thank you.

John J. Spiegel, Esq.