

PUBLIC SUBMISSION

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Docket: EBSA-2015-0017

Claims Procedure for Plans Providing Disability Benefits; Extension of Applicability Date

Comment On: EBSA-2015-0017-0291

Claims Procedure: Plans Providing Disability Benefits

Document: EBSA-2015-0017-DRAFT-0377

Comment on FR Doc # 2017-22082

Submitter Information

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General Comment

Dear Deputy Assistant Hauser,

As an attorney who represents individuals making ERISA disability claims, I would like to urge the DOL to implement the December 19, 2016 changes to the ERISA claims regulations.

The notice and comment period produced a significant response from both the insurance industry as well as individual claimants and their representatives. The resulting regulation struck a balance between the concerns of industry and the demonstrable need to update the regulation in the interest of insuring ERISA's goal of a full and fair benefits claims process. The Final regulation was the result of a transparent process which allowed the Department to receive balanced and informed input.

We have already seen employee benefit plans make the small adjustments necessary to comply with the modest changes imposed by the new regulations. Putting off these regulations, or rescinding some of the regulations elements, would be a step back for both individuals as well as the proactive benefit plans who have already taken steps to eagerly meet ERISA's requirements of fairness and transparency in the benefit claims process. Delaying these regulations would undermine the good faith efforts of responsible employee benefit plans and would negatively impact plan participants and beneficiaries who clearly demonstrated that the regulatory changes were necessary and justified.

As there has already been a complete and open rulemaking process, with thorough input by the insurance industry and careful consideration of all concerns regarding the balance between cost and consumer protection, I would urge the DOL to implement these regulations without an additional 90 day delay.

Sincerely,
Matthew Davis
Gallagher Davis, LLP