



October 24, 2017

BY ELECTRONIC MAIL

Office of Regulations and Interpretations,
Employee Benefits Security Administration
Department of Labor

Re: Claims Procedure Regulations for Plans Providing Disability Benefits
Examination
RIN No.: 1210-AB39
Regulation: 29 C.F.R. §2560.503-1

Dear Deputy Assistant Secretary Hauser:

I have been in private practice representing individuals seeking their disability benefits for over fifteen years. The majority of my practice involves representing clients who have disability insurance policies through their employment that are governed by ERISA. I have represented hundreds of clients who have had their ability to understand an adverse decision by an insurance company directly impacted by the Department's regulations setting forth their rights to obtain information relevant to the rationale for the decision made on their claim.

I am writing due to my concern over the proposed delay in implementation of the final rules. The finalized rules were issued after an extensive notice and comment period, allowing the Department to receive comments from all sides. Some comments by insurers and plans included discussion of a possible increase in costs associated with implementing the rules. The Department undertook significant evaluation of the comments from all sides and promulgated the regulations. The delay that is now being proposed does not appear to be as well thought out or even-handed as the original notice and comment period.

Without transparency or explanation, the Department suggests that the final rules are under reconsideration, but no specifics are being made available to understand what is forming the basis of that reconsideration. The only thing that is apparent is that the insurance industry is attempting to reverse regulations without following the procedures in place to insure fairness and transparency. It is very concerning that the delay is based upon a confidential study that predicts an increase in premiums. No basis for that increase in premiums is being revealed. The insurance

industry apparently asserts that meaningful dialogue and transparency with claimants drives up costs but there is no willingness to reveal the details of that claim.

There should be no delay as the rule-making process is closed and it is fundamentally unfair to claimants who rely upon the Department to insure transparency and access to information. I respectfully request that the Department not delay implementation of the final regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Katherine Sullivan". The signature is fluid and cursive, with a long horizontal stroke at the end.

M. Katherine Sullivan