

**From:** Alan H. Casper [mailto:acasper@alanhcasperesq.com]  
**Sent:** Tuesday, October 24, 2017 6:04 PM  
**To:** EBSA, E-ORI - EBSA  
**Cc:** Alan Casper  
**Subject:** RIN 1210-AB39

Dear Mr. Hauser,

I am an attorney practicing in both the Commonwealth of Pennsylvania and the State of New Jersey, who has regularly represented claimants in ERISA disability cases for more than twenty-five (25) years. My representations have included both the preparation and filing of internal ERISA appeals and the litigation in the federal courts of ERISA disability benefit claims. I was greatly cheered by the Final ERISA claims regulations adopted on December 19, 2016 because they address some of long-standing problems and inequities with the existing ERISA welfare benefits regime. As such, they represent a material improvement towards greater fairness and justice for seriously ill or injured claimants.

I have therefore read with consternation about a group of late objectors – particularly insurance companies and their advocates – who now seek to undo these regulations in despite of the well-established rule making process. Federal administrative legal procedures have already afforded these late objectors with more than sufficient opportunity to present their concerns to the Department of Labor during the previous rule making process. This included ample opportunity to present their positions, factual basis and supporting data regarding claims of undue cost, burden and complexity.

To grant these late objectors any further extension would savor of an undue partiality toward the disability benefits industry. Such unconsidered action will also likely result in the Departments of Labor and Justice having to expend substantial resources defending the litigation that is bound to be filed to contest the violations of the rulemaking process under the Administrative Procedure Act (APA) of 1946 (5 U.S.C. §551 et seq.).

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