

# 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

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## General Comment

I ask that the Secretary of Labor not delay the effective date of the ERISA claims regulations adopted on December 19, 2016. I am an attorney at Chisholm, Chisholm & Kilpatrick in Rhode Island. We represent disabled individuals in their claims for wrongly denied long-term disability (LTD) benefits. We commented on the proposed regulations during the comment period.

The new regulations reinforce common sense principals, and mandate practices, to which insurance companies and other ERISA LTD plan fiduciaries should have committed themselves without regulation. However, for reasons made clear during the rule making process, regulation is needed.

The regulations were the result of the Department of Labor's (DOL) careful consideration of input from the insurance industry, plans, and claimants. Now, the

insurance industry, plans, and their advocates are trying to delay and further challenge the regulations. My understanding is that the challenge and proposed delay is based on a "confidential" study, which the late objectors say shows that the cost of implementing the regulations will be too high. If there was a basis for this contention, it should have been publicly disclosed so that it could be subject to evaluation and comment. This lack of transparency is concerning. Regardless, no delay is warranted. The late objectors had ample opportunity to submit comments, which were weighed by the DOL. The DOL addressed the concerns raised by the objectors, and the rule making process concluded. The late objectors also had more than enough time to prepare for implementation of the new regulations.

The effective date of the regulations should not be delayed.