

From: Brian King [mailto:brian@briansking.com]

Sent: Thursday, October 26, 2017 7:55 PM

To: EBSA, E-ORI - EBSA

Subject: RIN 1210-AB39; comments on delaying implementation of final rule from DOL for ERISA claims processing regulations for LTD claims

I am writing to provide comments about whether the DOL should delay implementation of the Final Rule involving ERISA governed long term disability claims.

I have practiced law for over 30 years. The great majority of that time I have represented claimants with denied life, health, and disability claims. Over 90% of my work involves ERISA.

I oppose any extension of time for the new Final Rule relating to disability claims to go into effect. I understand that self-funded plan sponsors, insurers, third party administrators and their allies want to do all they can to kill outright the new Final Rule. Failing that, delaying implementation of the Final Rule as written or, at the very least, watering down the degree to which it holds ERISA plans and their agents accountable when they fail to live up to their fiduciary and statutory duties, are things these entities would love to see.

Here's the problem with killing, delaying, or watering down the Final Rule. My clients are already dealing with the greatest challenge most of them have ever had to face in their lives: the loss of their ability to provide for themselves and their families. Contrary to what some believe, few people who come to me for help with disability are malingerers or trying to pull a fast one. Most of the time my experience is that they are doing everything they can to get through a debilitating physical injury or illness. They would like nothing better than to get back to work and feel that satisfaction that comes from being self-sufficient and making it on their own. Most of the time their self-image and feelings of self worth are heavily dependent on doing work for which they have been trained, often times in highly skilled professional occupations. They are devastated by their disabilities. The likelihood that these individuals are able to get back to work is increased greatly if they know their insurance company, with which they have contracted for security and peace of mind, is standing behind and supporting them.

The DOL received many comments during the last period allowed for public input before the Final Rule was put into place last year. I don't believe any interested parties were deprived of making their voices heard. Specifically, the question of what cost increases would exist under the proposed Final Rule was specifically considered

and all interested parties had a chance to weigh in. The conclusion the DOL reached, that cost increases would be minimal, was the correct result. The process was fair and complete. I am struck by the degree to which insurers, business interests, and others who want to undermine the rights of employees to employee welfare benefits would like a second bite at the apple. It is improper to allow them to do so.

Please maintain the integrity of the rulemaking process by refusing to extend the time for implementation of the Final Rule.

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