

PUBLIC SUBMISSION

Received: October 18, 2017
Status: Pending_Post
Tracking No. 1k1-8zal-u82m
Comments Due: October 27, 2017
Submission Type: Web

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-0364

Comment on FR Doc # 2017-22082

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General Comment

I commented on this regulation after it was proposed and commended the Department of Labor for updating the disability insurance regulations. After the comment period ended, the Department of Labor spent nearly a year taking all of the comments into consideration prior to the issuance of final regulations after clearance from OMB.

Without any public disclosure of communications received from the insurance industry, the effective date of the regulations has been delayed by 90 days. Why? If there was a legitimate reason to question the regulations, it should have been publicly disclosed so it could be challenged. I have heard rumors that the insurance industry has complained that the cost of implementing the regulations might significantly increase premiums. If that is true, there must be public disclosure of any actuarial studies or other studies that would support such a proposition. The entire point of a notice and comment period is to permit public comment and an open discussion -

government in secrecy is contrary to the the Administrative Procedures Act and every initiative to make government actions open and transparent.

The application of most of the new regulations to claims filed on or after January 1, 2018 gave the insurance industry more than adequate notice and opportunity to implement procedures in order to comply with the law. Further delay will serve no purpose other than to appease the industry at the expense of claimants whose right to receive promised benefits is unfairly compromised. The current schedule is more than adequate - keep it in place.