

PUBLIC SUBMISSION

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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

Dear Sir/Madam--

I am writing to convey my very strong objection to delaying implementation of these regulatory changes which were enacted in strict conformity with the Administrative Procedure Act after an extended period of notice and comment.

These changes were enacted to protect the rights of employees to benefits covered by ERISA. These rights have been undermined significantly by procedures which have served to deprive beneficiaries of a full and fair review of their claims, and have unfairly benefited the insurance industry at the expense of the individual. Now, after having vigorously exercised their rights to oppose these regulatory reforms, and after unsuccessfully seeking to block these reforms, these stakeholders seek a "do over" for reasons which, frankly, do not warrant the relief they are seeking.

There are tens of thousands of individuals throughout this country whose lives are directly affected by these regulatory reforms. The argument that these reforms will be too costly has been made and rejected before, as the evidence of same is dubious at best.

These reforms have already been vetted in accordance with the law. There is no legitimate reason to delay implementation simply because these stakeholders now see an opportunity to reargue what has already been argued and decided.

There are procedures in place for these stakeholders to seek relief in the future through further regulatory revisions, in the event they have real evidence that these reforms are not in the public interest. But there is no justification to short circuit the lawful procedures which must govern these matters in our society.

In sum, there is a curious and troubling lack of transparency in the way these issues have been addressed, notwithstanding that the process which lead to these reforms was as open and honest as any regulatory revision could be. Too many Americans are going to feel the impact of these behind the scenes maneuvers. It is incumbent on the Department to safe guard the interests of these individuals in the face of an orchestrated, clandestine operation to undo the legitimate work which has been done over the past years in this area.

I urge the Department to avoid delays which are unwarranted and contrary to the Administrative Procedure Act.

I am available to provide any additional information which you deem helpful in resolving the issue.

Thank you for considering these comments.

Very truly yours,

Michael E. Quiat