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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

I am an attorney who represents claimants in disability claims under ERISA. I am requesting that the Secretary of Labor NOT delay the effective date of the Final ERISA claims regulations adopted on December 19, 2016 . The late objectors (ERISA plans, their advocates and insurance companies and their advocates) are seeking to undo the regulations after the fact without going through the rule making process. These parties had ample opportunity to voice their concerns and to provide data supporting their new allegations on cost and other purported challenges by the new regulations. To grant them an extension at this point could require the Departments of Labor and Justice to expend substantial resources defending the litigation that may 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.).

IN SUM, the DOL has addressed all the concerns raised by the purported need for delay. Insurance companies and plans had plenty of time to make their case. The rule

making process closed. The DOL evaluated the purported cost increases now raised by plans and insurance companies and concluded that the costs would be minimal. And after careful consideration listening to insurance companies and plans, and claimants, DOL implemented well-thought out regulations.

Thank you for your time.