

**From:** Scott Riemer [mailto:sriemer@riemerlawfirm.com]  
**Sent:** Tuesday, October 24, 2017 10:48 AM  
**To:** EBSA, E-ORI - EBSA  
**Subject:** RIN 1210-AB39

Dear Mr. Hauser,

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 has the appearance of favoritism and is likely to require the Departments of Labor and Justice to expend substantial resources defending the litigation that is sure to 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.).

The limited information from the Secretary's office suggests the final rules are under reconsideration, but there is a lack of transparency from the Secretary. The Secretary has not advised the exact nature of the information causing the reconsideration and why the information was not provided to the Secretary and evaluated during the comment period. In addition, limited disclosures suggest that ERISA plan advocates and insurance representatives met with employees of the Secretary. Of concern is that the delay seems predicated on a "confidential" study that predicts an increase in premiums. The basis for the purported increase is not known. All this suggests violations of the APA that are sure to be challenged in Court.

Scott M. Riemer, Esq.  
Managing Attorney  
Riemer & Associates, LLC  
60 East 42nd Street, Suite 1750  
New York, New York 10165

Phone: 212-297-0700  
Fax: 212-297-0730  
[sriemer@riemerlawfirm.com](mailto:sriemer@riemerlawfirm.com)  
[www.riemerlawfirm.com](http://www.riemerlawfirm.com)

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