

**From:** Ron Dean [mailto:rdean@74erisa.com]  
**Sent:** Tuesday, October 24, 2017 2:00 PM  
**To:** EBSA, E-ORI - EBSA  
**Subject:** RIN 1210-AB39

I write to oppose the 90 day delay of the effective date of the Disability Regulations.

I am a lawyer and I represent both participants and plans.

On behalf of participants, the regulations represent just one step forward toward a more level playing field. As we know, it is not just fairness that counts, but also the appearance of fairness. These Regulations not only provide more fairness, but also more transparency into the decision making process so that participants may know what evidence they have to address and a full and fair opportunity to address all of it – even that evidence that is first provided in the denial of an appeal.

On behalf of plans, we had no problem adjusting our procedures to comply with these new Regulations. The cost was minimal. While adjudicating claims might (or might not) be slightly more expensive, it is a small price to pay for making sure that claimants whose benefits are denied still feel that they have had a fair hearing. Further, the additional process provided by the new Regulations has also resulted in greater depth in the benefit inquiry – to the advantage of both the plans and the participants.

In sum, the new Regulations are a solid step forward in due process in the benefits administrative process at a small, if any, cost to the plan. For the plans I represent, there has been no cost. The leap forward in transparency benefits both the plans and the participants.

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