

From: Jennifer Danish [mailto:jdaniel@bryantlg.com]
Sent: Wednesday, October 25, 2017 11:30 AM
To: EBSA, E-ORI - EBSA
Subject: RIN 1210-AB39

October 25, 2017

Office of Regulations and Interpretations,
Employee Benefits Security Administration
Room M-5655
U.S. Department of Labor
200 Constitution Avenue NW
Washington D.C. 20210

Re: Claims Procedure Regulations for Plans Providing Disability Benefits Examination
RIN No.: 1210-AB39
Regulation: 29 C.F.R. §2560.503-1

Dear Deputy Assistant Secretary Hauser,

I write to offer comments on the proposed delay of the implementation of the claims procedure regulations applicable to disability benefit plans. I am an attorney whose practice is focused on the representation of claimants in ERISA-governed long term disability benefit disputes. I am well poised to comment, because I have worked in the field since 2003 and practiced in this area of law since I became licensed in May 2009. My experience includes handling both administrative appeals and litigating these claims.

The Department of Labor's proposed delay of the final regulations defeats the purpose of the rule-making process. The Department finalized rules after an extensive notice and comment period that provided 60 days and yielded numerous comments from interested parties of all types. Insurers, plans and their representatives came out in force. Many of industry comments suggested that there were cost issues associated with implementing the rules. The Department of Labor at that point had the issue of cost introduced for consideration. Those comments were, however, not supported by any relevant data. Despite the lack of support for this issue, the Department of Labor did not ignore it and gave insurers and plans significant time to make the necessary changes by significantly delaying the effective date.

I have now read that "other input" is being relied upon - information that could have been publicly contributed during the proper notice and comment period, but was not. Insureds and their representatives, like me, now have no way to respond to this input, since it is not being made available. There has been no public disclosure of the input or analysis detailing why this post-notice and comment information is more valuable than what was collected during the notice and comment period itself.

The reality is that after careful consideration listening to insurance companies and plans, and claimants, the Department implemented well-thought out regulations. Therefore, I ask that the effective date of the regulations not be delayed, since the reason for doing so lacks the necessary transparency and undermines the fairness that is supposed to characterize the rule-making process.

Thank you for your consideration.

--

Jennifer Danish
Managing Partner
Bryant Legal Group PC
205 N Michigan Ave, Ste 3910
Chicago, IL 60601
jdaniel@bryantlg.com
(312) 561-3010 main line
(312) 235-4886 direct line
(312) 254-3140 fax
www.bryantlg.com

This communication may contain privileged and confidential information protected by the Electronic Communications Privacy Act, 18 U.S.C. Secs. 2510-2521. It is intended only for the use of the recipient named above. If you are not the intended recipient of this communication, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone or email.