

From: Brent Brehm [mailto:BBrehm@kantorlaw.net]
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It has come to my attention that there is discussion about delaying the effective date of the DOL's ERISA claims regulations. As a lawyer working in the ERISA disability field, I am very much opposed to any action that would delay the January 1, 2018 effective date.

It is my understanding the DOL already assessed and took into consideration the potential increase in cost of the regulations – so I do not view this as a legitimate basis for any further delay. Considering I have litigated over 250 ERISA disability cases over the past decade, I can attest that the new regulations will reduce litigation and reduce the costs of the cases that do end up being litigated. This is because the regulations put in place common sense rules that facilitate a productive, full, and fair “administrative” process during the claim submission and appeal period. As it currently stands, many ERISA claims administrators shirk their fiduciary responsibilities (perhaps motivated by the financial conflict of interest all too common for claims administrators who are usually for-profit insurance companies obligated to make a profit for their shareholders).

Considering “ERISA imposes higher-than-marketplace quality standards” on claims administrators, the regulations set to go into effect January 1, 2018 simply bring more clarity to the standards that need to be met to fulfill an already existing responsibility. *Metropolitan Life Ins. Co. v. Glenn*, 554 U.S. 105, 115 (2008). If this causes costs or litigation to rise (which it should not), it is simply evidence that, prior to the new regulations, claims administrators were not abiding by the law already in place.

Brent Dorian Brehm
Kantor & Kantor,LLP
19839 Nordhoff St.
Northridge, Ca. 91324

818-886-2525 (phone)
818-350-6259 (fax)