

From: Jeff Warncke [mailto:jswarncke@gmail.com]
Sent: Wednesday, October 25, 2017 5:08 PM
To: EBSA, E-ORI - EBSA
Subject: Delay in implementing new ERISA disability claim regulations

Dear Sirs,

I am an attorney whose practice, for 20+ years, has focused on disability insurance denials. I have followed the DOL's ERISA claim regulations through two previous revisions, and have followed the impending regulatory revision closely.

It is my position that the DOL's stated intention to delay implementation of the new regulation is unlawful and represents a transparent capitulation to monied interests (namely the insurance industry) at the expense of reasonable consumer protection. It should be noted that DOL has previously addressed all the concerns raised by the purported need for delay, in a process that was consistent with its regulatory authority. Insurance companies and plans had plenty of time to make their case then, and there is no reason to give them a second bite at the apple. The rule making process has closed. Any attempt to circumvent the rules making process will assuredly be met with public interest litigation.

2. DOL evaluated the purported cost increases now raised by plans and insurance companies and concluded that the costs would be minimal.

3. After careful consideration listening to insurance companies and plans, and claimants, DOL implemented well-thought out regulations.

Jeffrey S. Warncke
Evans, Scholz, Williams & Warncke LLC
www.theinsuranceattorneys.net
3490 Piedmont Rd., N.E., Suite 1200, Atlanta, GA 30305
Tel 404-841-9400, x 41 Fax 888-738-5949