

**From:** Tom Sinclair [mailto:tsinclair@sinclairlawfirm.com]  
**Sent:** Wednesday, October 25, 2017 5:45 PM  
**To:** EBSA, E-ORI - EBSA  
**Subject:** RIN 1210-AB39 Comments

Dear Sir/Madam;

After careful and thoughtful consideration, the Department of Labor provided much needed guidance to Plan Participants and Small Businesses/Plan Sponsors via the important and long overdue revisions to the claims regulations set to go into effect in a few months. I have personal knowledge of the effect these regulations would have through my extensive representation of people seeking their benefits with the support of the employers.

When a Small Business Owner / Job Creator has a hard-working employee who needs their benefits the employers want those benefits provided and need the process of providing those benefits, to be as smooth as possible. **Governmental Regulation that creates transparency in that process and keeps the burden off small businesses is critical.** Employers should not have to deal with the effect of benefit denials and employ entire departments to help explain the process to employees. The Department's revisions provided critical resolution to many issues and would keep employers from having to deal with these burdens.

These revisions created much needed transparency in the claims process presently paid for by tens of thousands of Small Businesses Owners / Job Creators across our country. The revisions would also alleviate litigation costs for employers by avoiding the need for litigation over many issues being resolved by these revisions. No more would Employers / Plan Sponsors have to pay attorney's fees to litigate the questions answered by these revisions.

It appears these critically needed revisions have been put on hold at the eleventh hour, *after* the close of the comment period and *after* hundreds of timely comments from across the spectrum of interested parties. Review of the stated reasons for this delay reveal the true and improper purpose: the "stakeholders" at the heart of this delay are Hourly Billing Law Firms and

Lobbyists concerned about a loss of revenue that may come from the transparency these revisions provide.

At present Small Business / Employers / Plan Sponsors / JOB CREATORS across the country are:

1. Paying premiums to fund these benefits;
2. Paying employees to answer other employees' questions about the benefit claim process;
3. Paying hourly billing attorneys to stand side by side with insurance companies who want to litigate issues such as those set out above so the insurance carrier can avoid paying benefit claims;
4. Paying for a delay in the enforcement of these revisions;
5. Paying governmental employees to reopen the closed comment period; and
6. Potentially Paying other government employees for untold hours that would be expended in a secretive additional administrative review process whose terms would be dictated by other hourly billing lawyers and lobbyists.

As an experienced benefits litigator who has had to explain the current burdens to hundreds of small business owners across the country- the revisions take the burdens OFF THE BACKS OF SMALL BUSINESS OWNERS. These regulations helped Small Business.

Free these Revisions.

Ignore the Lobbyists and Hourly Defense Lawyers.

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