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October 26, 2017

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

Via Email: E-ORI@dol.gov

**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've been practicing law for the past 26 years and specifically in the area of ERISA disability cases for the past 14 years. Our firm has handled hundreds of disability claims and we understand the difficulty claimants have in pursuing disability benefits under the current law and federal regulations.

I was very pleased when on December 19, 2016 the Department published a final regulation that amended the existing claims procedures regarding ERISA-covered employee disability claims. It was my understanding that the Department had delayed its applicability until January 1, 2018, in order to provide adequate time for disability carriers to adjust to the new regulations, as well as for claimants and attorneys to understand the changes that had been made. I strongly support the Final Rule that was to be implemented on January 1, 2018 and am very disappointed that the Department of Labor has now proposed a delay of 90 days for implementation of the new regulations. I have seen how my clients have been adversely affected by the conduct of disability insurance carriers over the course of the past 14 years, and it is finally time that claimants be treated more fairly under this process.

Of great concern is that the insurance industry apparently now is attempting to delay and even halt the new Final Rule that had been agreed to. The insurance industry apparently has referenced a "confidential" study that now predicts an increase in premiums. Of course, that is the insurance industry's response to any proposed rule change that might actually benefit American citizens. To the extent that any premiums would be increased to avoid illusory coverage, my clients would welcome such a change if it means that insurance disability carriers must more fairly review claims that are submitted by insureds.

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The effective date of the regulation should not be delayed, as all of the interested parties had an opportunity to provide information to the Department during the rule-making process. It is time for the Department of Labor to act on its previously determined need to modify the rules and regulations regarding disability claims.

Very truly yours,

NOLAN, THOMPSON & LEIGHTON, PLC

A handwritten signature in black ink that reads "Rob Leighton". The signature is written in a cursive, slightly slanted style.

Robert J. Leighton, Jr.

RJL/kah