

# Michael A. McKuin

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October 27, 2017

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

**VIA E-MAIL: [e-ORI@dol.gov](mailto: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 have been in private practice for more than 30 years. For a brief time prior to starting my own practice, I was in-house counsel for an ERISA plan administrator. I have drafted ERISA plan documents, including: comprehensive plan descriptions; summary plan descriptions; administrative services agreements; and claims manuals. For more than 20 years, my practice has been almost exclusively limited to handling long term disability and health claim disputes, litigation and appeals governed by ERISA, as well as ERISA benefit collections for healthcare providers and “in-network” provider disputes (e.g. HMO, PPO contract reimbursement). I have handled literally hundreds of benefit claims through all levels of administrative review, arbitration, litigation in federal court and before the Ninth Circuit Court of Appeals. My Peer Review Rating from Martindale-Hubbell is AV® Preeminent™, the highest rating achievable and I have held that rating for more than 15 years.

I am requesting that the Secretary of Labor not delay the effective date of the final ERISA claims regulations adopted on December 19, 2016. Those who are now objecting to the timely implementation of the regulations are entities that I am intimately familiar with, ERISA plans and insurers. If there is one tactic that those parties have proven themselves to be very adept at it's that of delay. It also appears that they are seeking to undo the regulations and undermine the rule-making process, after the fact.

Sincerely,



Michael A. McKuin  
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