

# GROOM LAW GROUP

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**By E-Mail (e-ORI@dol.gov) & U.S. Mail**

Office of Regulations and Interpretations  
Employee Benefits Security Administration, Room N-5655  
U.S. Department of Labor  
200 Constitution Ave. NW  
Washington, DC 20210

**Attention: Claims Procedure Regulation for Plans Providing Disability Benefits  
RIN 1210-AB39**

Dear Sir or Madam:

The NFL Player Disability & Neurocognitive Benefit Plan (“NFL Player Disability Plan”) greatly appreciates this opportunity to comment on the proposed 90-day delay of the applicability date of the Final Rule amending disability claims procedures (81 Fed Reg. 92316 (Dec. 16, 2016), the “Regulation”) under the Employee Retirement Income Security Act of 1974 (“ERISA”).

We believe the Regulation will impose unnecessary costs on plans and present unanticipated, adverse consequences for plans and participants alike. Nowhere are these problems more apparent than in the context of complex, multiemployer plans like the NFL Player Disability Plan. We refer the Department to our prior letter, dated January 19, 2016, where we described how the Department’s economic benefit analysis was severely lacking, why certain features of the Regulation would greatly increase the cost and complexity of administering disability benefits, and why the Regulation would cause wasteful and expensive litigation. Our concerns, as well as the concerns of many other interested stakeholders, plainly fell on deaf ears during the original rulemaking process.

For these reasons, we strongly support a delay of the Regulation. Rather than a 90-day delay, however, we believe a longer delay of at least one year is warranted. The Department has requested comments regarding the economic impact of the Regulation by December 11, 2017. We anticipate that the Department will need more than 90 days to assess the comments received, draft modifications to the Regulation, and circulate a new version of the Regulation. Moreover, plans will need time to absorb the final product, change their processes and procedures to account for the rules, and hire the right additional staff (or contract with third party vendors) to

meet the requirements of the final regulation. All of that cannot be done in 90 days. More time is needed for the process to reach a well-reasoned outcome.

Again, we appreciate the opportunity to comment on the proposed delay, and we would be pleased to discuss this issue in more detail if the Department deems that necessary. Thank you for your time and attention to this very important matter.

Sincerely,



Alvaro I. Anillo