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December 11, 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

Re: Re-Examination of Claims Procedure Regulations for Plans Providing Disability Benefits
RIN No.: 1210-AB39
Regulation: 29 C.F.R. §2560.50

Dear Deputy Assistant Secretary Hauser:

Please do not modify or further delay the final disability claims regulations (Final Regulation on Claims Procedure for Plans Providing Disability Benefits, 81 Fed. Reg. 92316 (Dec. 19,2016)) that are now scheduled to go into effect on April 1, 2018.

The concerns raised by the industry are not new. Rather these objections appear to be simply re-argument of the merits of the final rules.

There has been no proof if the final rules go into effect there will be an increase in costs that will increase premiums resulting in less access to disability benefits.

This costs argument was already made to the proposed rules before final adoption. The Department concluded that costs would not outweigh the benefits.

Any data supplied by the industry now that suggests employers would abandon disability coverage due to the costs of codifying these principles should be viewed warily. The industry's position that the cost of the final rules will impact access to disability benefits in the workplace is not logical.

Moreover, the Department has already articulated its purposes – to make sure claims are fairly adjudicated and to prevent unnecessary financial and emotional hardship. The Department should ignore the industry's invitation to abandon these purposes.

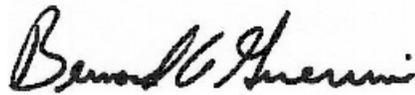
ERISA disability claimants face a process that is far below the standard for regular civil disputes.

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Any consideration the Department makes about the benefits of the final rules relative to costs should acknowledge that ERISA exists to protect plan participants.

Likewise, an inexpensive but illusory disability plan is worse than no plan at all. The costs associated with the final regulations could and should be tolerated in the name of supplying a modicum of protection for plan participants.

Respectfully,

A handwritten signature in black ink, reading "Bernard A. Guerrini". The signature is written in a cursive style with a large initial "B".

Bernard A. Guerrini