

December 11, 2017

Submitted via: e-ORI@dol.gov

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

Re: Claims Procedure for Plans Providing Disability Benefits
Re-Examination [RIN 1210-AB39]

Dear Deputy Assistant Secretary Hauser,

I am a Trustee on the following three (3) ERISA Plans that have disability provisions:

- Southern California Local 831 Employer Trust Funds (Health and Pension)
- Southern California Floor Covering Trust Funds (Health and Pension)
- Southern Nevada Glaziers & Fabricators 401 K Pension Fund

I am writing to discourage the Department from modifying or further delaying 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.

Costs Will Not Increase

We do not expect our costs to increase. For the most part we have implemented processes that comply with these final rules already. This is due to our belief that doing so is in the best long term interest of both the Plans and the participants involved.

Right to Review and Respond Does Significantly Increase Costs or Burdens

The participants must have a clear and fair process for reviewing and responding to new information. Without this type of process, both the Plan and the participants can be damaged by unnecessary litigation costs. In my over 30 years of experience not one of our plans has had a single disability case end up being litigated. This is partly due to our implementation of review policies that would comply with this final regulation.

The Department Should Not Grant Any Additional Delay of the Final Regulation's Applicability Date.

The regulation delaying the applicability date of the final disability regulation clearly stated that the Department was not inclined to provide additional time to industry stakeholders to submit the information concerning significant cost increases. We note that although the delay was proposed in the Federal Register on October 12, 2017, industry stakeholders knew that they would have an opportunity to provide additional information in August 2017, if not earlier.¹ The Department should not provide any additional delay.



Robert Lessin CEBS

Trustee:

Southern California Local 831 Employer Trust Funds (Health and Pension)

Southern California Local 831 Training and Re-Training Trust Fund

Southern California Painting and Drywall Industries Trust Funds (Health and Apprenticeship)

Painters and Allied Trades Paint Makers Pension Plan

Southern California Floor Covering Trust Funds (Health and Pension)

Sign, Display and Allied Crafts Local Union 510 (Health, Pension & Apprenticeship)

Southern Nevada Glaziers & Fabricators 401 K Pension Fund

¹ See Aug. 3, 2017 e-mail from Howard Bard at ACLI to Joe Canary & Jeffrey Turner, EBSA (“confirming that ACLI would be comfortable with the Department’s inclusion of language in a rulemaking proposal stating that stakeholders have committed to work with EBSA to obtain data); see also Other Letters on File with EBSA, goo.gl/uT5H5T (indicating discussions with the Department over necessary information began as early as March 2017).