



January 15, 2016

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Ms. Phyllis Borzi
Assistant Secretary
Employee Benefits Security Administration
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

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

Dear Ms. Borzi:

On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to express our support for the regulations proposed by the Department of Labor (DOL) and the Employee Benefits Security Administration (EBSA), via RIN 1210-AB39, that would revise and strengthen the rules regarding claims filed for disability benefits by adopting certain procedural protections already applicable to group health plans under the Affordable Care Act (ACA).

AFSCME is a union made up of a diverse group of people who share a commitment to public service, worker voice, and fairness in the resolution of employment disputes. Therefore, AFSCME supports the aforementioned regulations being proposed that improve procedural protections for workers who become disabled and make claims for disability benefits under retirement and health care plans covered by the Employee Retirement Income Security Act (ERISA).

One recommendation we would make is that the final regulation require plans to provide claimants with a clear and prominent statement of any applicable limitation period and the expiration date for the claim at issue for appealing a final notice of adverse benefit determination, and with an updated notice of that expiration date if tolling or some other event causes that date to change.

AFSCME appreciates the opportunity to comment on the Proposed Rule.

Respectfully,

Steven Kreisberg
Director
Department of Research and
Collective Bargaining Services

SK/dd

American Federation of State, County and Municipal Employees, AFL-CIO