



January 19, 2015

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 (Docket No. 2015-29295)

Dear Ms. Steen:

The American Association for Justice (AAJ), formerly known as the Association of Trial Lawyers of America (ATLA), hereby submits comments in response to the Employee Benefits Security Administration's (EBSA) notice of proposed rulemaking (NPRM) regarding the proposed amendments to claims procedure regulations.¹

AAJ, with members in United States, Canada and abroad, works to preserve the constitutional right to trial by jury and access to justice when they are injured by the negligence or misconduct of others. AAJ members are very familiar with the claims procedure for plans providing disability benefits under the Employee Retirement Income Security Act of 1974 (ERISA), and the challenges that claimants face when seeking to receive benefits from an employee benefit plan. AAJ applauds EBSA for making these necessary amendments to strengthen the current rules, as these updates and safeguards are critical to protecting some of the most vulnerable Americans.

Claimants of disability benefits face a number of hurdles when pursuing their claims. Even though the law provides that a claimant must have a reasonable opportunity to pursue a full and fair review,² issues like procedural inconsistency, little insight into reasoning for why claims are denied, and an aggressive dispute posture by plans, have created an environment where this

¹ See 80 FR 72014.

² See 29 U.S.C. § 1133.

right is not adequately protected. As a result, claimants face an unreasonable risk that their claims could be improperly denied, the consequences of which can be drastic.

However, as noted in this NPRM, EBSA recognizes these issues and has therefore proposed modifications to the current Section 503 Regulation.³ AAJ believes this proposal will certainly help enhance confidence in the fairness of the system and fix dangerous procedural loopholes. Indeed, the proposals set out here will help eliminate major issues in the disability claims landscape by bolstering impartiality, transparency, access to information and procedural uniformity.

AAJ appreciates the opportunity to submit comments and commends EBSA for these important proposals. If you have any questions or comments, please contact Zoë Oreck, AAJ's Assistant Regulatory Counsel, at (202) 944-2869.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Tawwater', with a horizontal line extending to the right.

Larry A. Tawwater
President
American Association for Justice

³ 80 FR 72015.