

From: Jeff Warncke [mailto:jswarncke@gmail.com]
Sent: Wednesday, October 25, 2017 5:15 PM
To: EBSA, E-ORI - EBSA
Subject: Fwd: Delay in implementing new ERISA disability claim regulations

Dear Sirs,

I am an attorney whose practice, for 20+ years, has focused on disability insurance denials. I have carefully followed the DOL's ERISA claim regulations through previous revisions, and have followed the impending regulatory revision equally closely.

It is my position that the DOL's stated intention to delay implementation of the new regulation is unlawful, and represents a capitulation to monied interests (namely the insurance industry) at the expense of reasonable consumer protection. It should be noted that DOL has previously addressed all the concerns raised by the purported need for delay, in a process that was consistent with its regulatory and rule making authority. Insurance companies and plans had plenty of time to make their case then, and there is no reason to give them a second bite at the apple now. The rule making process has closed. Any attempt to circumvent the rule making process will assuredly be met with public interest litigation.

The DOL evaluated the purported cost increases now raised by plans and insurance companies and concluded that the costs would be minimal compared to the consumer protections to be achieved. After careful consideration listening to both claimants and insurance companies and plans, DOL implemented well-thought out regulations. Any backtracking is not only unlawful, but it will only harm the most vulnerable Americans - namely working Americans who became too sick to work, who no longer get a paycheck, and whose insurers have denied them the financial protection so critical to survival. Procedural protections are *vital* to these people. I know because I live in the trenches with them.

I hope you will reconsider and allow the revised regulations to take effect as required by law.

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