

**From:** Lisa Serebin [mailto:lisa@creitzserebin.com]

**Sent:** Thursday, October 26, 2017 5:54 PM

**To:** EBSA, E-ORI - EBSA

**Subject:** Claims Procedure Regulations for Plans Providing Disability Benefits; RIN No. 1210-AB39

Dear Deputy Assistant Secretary Hauser:

I am a former DOL attorney, now in private practice. I have practiced ERISA and employee benefits law since 1989. I represent many individual plan participants in benefit disputes, including a large number of disability benefit claimants.

I am writing to oppose the proposed 90-day delay in the implementation of the DOL's Final ERISA Claims Regulations (29 C.F.R. §2560.503-1) that were adopted nearly one year ago on December 19, 2016. The regulations were adopted after an extensive notice and comment period as required under the rulemaking provisions of the Administrative Procedure Act of 1946, 5 U.S.C. § 551 et seq. The insurance industry and plan sponsors now attempting to delay implementation of the final regulation had ample opportunity during the rulemaking process to provide their input. Not only has the DOL already carefully considered their input, the DOL has also already honored their requests to delay implementation of the regulation to allow them more time to adjust to the new rules. The DOL also already carefully considered the cost of implementing the regulations and determined that the cost would be minimal to the insurance industry. There is no need for further studies, nor would such studies be appropriate now that the rulemaking process has been completed.

The changes to the claims procedure regulations were long overdue and are a step in the right direction towards providing disabled participants and beneficiaries with adequate due process in claims administration. Any further delay in the implementation of the regulations is unwarranted and the Secretary should move forward without further delay.

Thank you for your consideration.

Sincerely,

Lisa Serebin

\*\*\*\*\*WE HAVE MOVED! PLEASE NOTE OUR NEW ADDRESS BELOW\*\*\*\*\*

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