

# PUBLIC SUBMISSION

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**Docket:** EBSA-2015-0017

Claims Procedure for Plans Providing Disability Benefits; Extension of Applicability Date

**Comment On:** EBSA-2015-0017-0291

Claims Procedure: Plans Providing Disability Benefits

**Document:** EBSA-2015-0017-DRAFT-0409

Comment on FR Doc # 2017-22082

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## General Comment

Office of Regulations and Interpretations

EBSA U.S. Dept. of Labor

Re Re-Examination of Claims Procedure Regulations

RIN No. 1210-AB39

Dear Deputy Assistant Hauser:

I am writing to urge the Department of Labor from delaying the revised regulations included in 29 C.F.R. Section 2560.503. My practice is limited to representing plaintiff's in ERISA claims. Insurance companies are supposed to be fiduciaries under ERISA but in practice they are everything but fiduciaries. I question the insurance companies claims that the costs will increase with the proposed changes to the regulations. Even if costs do rise, the protection given by the revised regulations are

needed to provide a more fair claims procedure. For example, the proposed regulation requiring a disability carrier to explain the basis for disagreement with the Social Security decision will not add any cost to the claim's review. Similarly, the change to the deemed exhausted rule will not add any cost to the insurance company. Finally, providing the ability to respond to the insurance companies medical evidence will not increase the costs to the insurance company. Instead, it will decrease the costs because the insurance company will have better evidence to make the proper decision. Kirk L. Wolgemuth, Wolgemuth & Levinson, 232 East Orange Street, Lancaster, PA 17602