From: Paul Sullivan
Sent: Monday, December 11, 2017 8:54 PM
To: EBSA, E-ORI - EBSA
Subject: Comment on the proposed changes to the Regulation.

I have just spent most of the day today coincidentally on behalf of a client with numerous surgeries and diagnostic procedures extending back almost exactly 10 years and for whom nothing further can be done other than to continue conservative treatment by filing a motion tor summary judgment on her behalf with the federal district court.

Her insurance company's adjuster simply pretended that it was odd that only conservative treatment was being performed. The solution he proposed was to engage an outside vendor to take a surveillance video for two consecutive days. That was then followed by an interview by an investigator and finally by a so-called peer review opinion by a doctor who did not even evaluate my client.

I asked for any guidelines applicable for the use of video surveillance and had earlier requested all "relevant" materials and information from the insurance company.

Nothing, of course, was provided as to guidelines, etc. Certain unidentified portions of the insurance company's file were in fact deliberately noted as being withheld.

For me now again to see that insurance companies claim that adhering to a claims procedure which would avoid such constant smoke screens and the efforts it takes for claimants and their counsel to chase down their errors via the processes required by the courts is just about as baffling and befuddling as in this case expecting the blind to see and the lame to walk.

If all benefit claims played by the same rules, even if they were initially somewhat cumbersome, there is no way it would even remotely cause undue expense. The expense would be in-house for the most part, not in the courts. What the current laxity in claims handling does is to make every claim file fertile ground for unfounded delay and denial of legitimate benefit claims.

With modern day data processing capabilities, and data analysis virtually unimagined just decades ago, however, any such scurrilous excuses for legitimate claims adjusting would neither be necessary nor long-lived. That is provided that the claims regulation were actually followedin deed as well as in word.

Please consider these comments from an exhausted (but hopefully ultimately indefatigable) advocate for fair play by the same rules. . John Adams in his defense of the British soldiers openly argued that a Massachusetts court ought to be able to provide even the occupying British forces a fair hearing. I hope we are able to echo his sentiment today with faith in a better version of the claims procedure regulation aimed at the same result.

This is time for action, not for delay. Please implement the revised regulation now.

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