

DOL Announces Application Date of Disability Claim Regulations

The DOL announced that the application date of the final disability claims procedure regulations to ERISA welfare and retirement plans providing disability benefits will be April 1, 2018.

Background

In December 2016, the DOL issued final regulations that impose new requirements on the procedures ERISA welfare and pension plans must follow in adjudicating claims for disability benefits. These final regulations, which became effective on January 18, 2017, stated that the new rules would apply to claims for disability benefits filed on or after January 1, 2018. In October 2017, the DOL proposed postponing application of the final regulations for 90 days — through April 1, 2018 — and solicited additional comments about the rule. For an analysis of the final regulations, see our [January 11, 2017 For Your Information](#). For a discussion of the proposed and final rules to postpone the application date, see our [October 11, 2017 FYI Alert](#) and [December 8, 2017 For Your Information](#).

Announcement of Application Date

On January 5, 2018, the DOL issued a [news release](#) announcing its decision that April 1, 2018, would be the application date of the disability claims regulations. According to the release, the department had not received information in the comment solicitation process that would establish that the regulations impose unnecessary regulatory burdens or significantly impair access to disability benefits.

In Closing

Although the application date for the disability claims procedure regulations has been delayed, plan sponsors need to monitor the situation and, at this point, assume that claims for disability benefits filed on or after April 2, 2018, will be subject to the new requirements.

April 1 or April 2?

According to the final rule, the new regulations apply to claims for disability benefits filed after April 1, 2018. This would mean that the application date should be April 2, 2018, not April 1, 2018, as set out in the news release. Clarification from the DOL would be welcome.

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