



## LOCAL 36 BENEFIT FUNDS

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### TEMPORARY CHANGE FOR CLAIMS, APPEALS AND COBRA RELATED ACTIONS

As required by EBSA Disaster Relief Notice 2020-01, the Plan previously sent out a notice that it would disregard the period from March 1, 2020 until sixty (60) days after the announced end of the Coronavirus National Emergency (the "Outbreak Period") in determining whether a claim, an appeal, a COBRA election, or a notice of a COBRA or other qualifying event has been timely filed. As explained at that time, if your claim, appeal, election or notice is due between March 1 and the end of the National Emergency you have until 60 days after the end of the Emergency to submit the claim, appeal, election or notice and it will be processed.

The time to make a COBRA payment was similarly extended.

The Coronavirus Emergency has lasted longer than anyone anticipated and, as we got to the one-year mark, the Department of Labor has issued new guidance on how the extension period for filing has been extended.

#### **As clarified in EBSA Disaster Relief Notice 2021-01:**

In determining whether a claim, an appeal, a COBRA election, or a notice of a COBRA or other qualifying event has been timely filed, the Plan will disregard the period

- Beginning with the later of (1) March 1, 2020 or (2) the date the individual action would otherwise have been required or permitted, and
- Ending with the earlier of sixty (60) days after the announced end of the Coronavirus National Emergency (the "Outbreak Period") or one year from the date the individual was eligible for relief under this rule (the beginning date above).

If a qualified beneficiary, for example, would have been required to file a claim or appeal or make a COBRA election by March 1, 2020, the Notice delayed that requirement until February 28, 2021, which is the earlier of 1 year from March 1, 2020 or the end of the Outbreak Period (which remains ongoing).

However, if a qualified beneficiary would have been required to file a claim or appeal or make a COBRA election by August 1, 2020 (or March 1, 2021), the Notice delays that requirement until the earlier of 1 year from that date (i.e., August 1, 2021 or March 1, 2022) or the end of the Outbreak Period.

Please note, regardless of the extension, the Plan cannot process something until it has been submitted. In addition, although the time to make a COBRA payment is similarly extended, it is important to remember, that while a claim will not be denied for lack of coverage, no claims will be paid until an election is made and premiums are paid.

If you have any questions about the information in this Notice or any of your benefits call the Fund Office at 314-652-8175.