

# LEGAL UPDATE



## EMPLOYEE BENEFIT PLAN DEADLINE RELIEF ISSUED DUE TO RECENT NATURAL DISASTERS

On Nov. 8, 2024, federal agencies issued [deadline relief](#) to ensure that employee benefit plans, participants, beneficiaries, qualified beneficiaries and claimants in disaster areas are not further adversely affected by Hurricane Helene, Tropical Storm Helene and Hurricane Milton.

### EXTENSION OF PARTICIPANT TIME FRAMES

The relief provides participants in ERISA-covered plans with additional time to comply with certain deadlines affecting COBRA continuation coverage, special enrollment periods and claims for benefits. Specifically, the relief extends:

- + HIPAA time frames: The 30-day period (or 60-day period, if applicable) to request special enrollment;
- + COBRA time frames: The 60-day period for qualified beneficiaries to elect COBRA coverage, the date for making COBRA premium payments, and the date for individuals to notify the plan of a qualifying event or disability determination;
- + Claims procedures time frames: The date within which individuals may file a benefit claim under the plan's claims procedure, and the date within which claimants may file an appeal of an adverse benefit determination under the plan's claims procedure; and
- + External review process time frames: The date within which claimants may file a request for an external review after receipt of an adverse benefit determination or final internal adverse benefit determination, and the date within which a claimant may file information to perfect a request for external review upon a finding that the request was not complete.

Relief applies to individuals who are directly affected by Hurricane Helene, Tropical Storm Helene, or Hurricane Milton. This means an individual resided, lived or worked in one of the designated disaster areas at the time of the hurricane or tropical storm, or their coverage was under an employee benefit plan that was directly affected.

### DEADLINE EXTENSION FOR PLAN ADMINISTRATORS

The relief also extends the time frames for group health plan sponsors and administrators that were directly affected (i.e., their principal place of business was in one of the designated disaster areas) to provide a COBRA election notice. While no other relief is provided, the most recent guidance supplements [Notice 2024-01](#), which primarily provides relief to impacted employers and plan fiduciaries with regard to the processing of plan loans and distributions, forwarding contributions and loan repayments into the plan, furnishing required notices and disclosures to participants, and filing returns with the government.

### ADDITIONAL RESOURCES

The Employee Benefits Security Administration provides additional resources on its [Disaster Relief Information for Employers and Advisors](#) webpage.

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### IMPORTANT DATES

The deadlines are extended by disregarding a "relief period" that starts on varying dates in September or October 2024 (depending on location) and ends **May 1, 2025**.

The relief applies to designated disaster areas in **Florida, Georgia, North Carolina, South Carolina, Tennessee and Virginia**.

Federal agencies will continue to monitor the effects of Hurricane Helene, Tropical Storm Helene and Hurricane Milton and may provide additional relief as warranted.

