

## DOL Clarifies Position Regarding COBRA Notice Requirement

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October 14, 2020

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As we discussed in our prior blog post [here](#), there has been a recent significant increase in class action litigation challenging the sufficiency of COBRA election notices. These cases typically allege that a deficient or misleading COBRA notice caused a former employee (or other COBRA qualified beneficiary) to lose group health plan coverage because the notice lacked certain required information or was not written in an understandable manner. One claim that is often raised in these cases is that the COBRA notice fails to provide the name, address, and telephone number of the plan administrator. However, the DOL recently clarified its position on this matter in an amicus brief filed in *Carter v. Southwest Airlines Co. Board of Trustees*, which is a proposed COBRA class action lawsuit. In its brief, the DOL stated that a COBRA election notice is not required to contain contact information for the plan administrator if the notice contains contact information for the party who is not the plan administrator that is actually responsible for administering the plan's COBRA coverage, such as third-party COBRA administrator. The DOL argued that the COBRA regulations only require that the notice contain the name, address, and telephone number of the party responsible under the plan for the administration of continuation coverage benefits. Consequently, if an employer uses a third-party vendor to administer COBRA coverage for the employer's group health plan, the DOL's position is that only the name, address, and telephone number of such vendor is required to be listed in the COBRA notice. In any event, employers should ensure their COBRA notices satisfy all of the relevant content requirements as they may also be a target for litigation. The DOL's amicus brief is available [here](#).