

COBRA Tips®

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Employer Believes Qualifying Event Notice Must Be Delivered in 14 Days

March 6, 2006

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The following is an excerpt from [Questions and Answers from the COBRA Help Desk—Part II](#):

Employer: When the employer is also the plan administrator, how many days are allowed to provide the qualifying event notice? Your software [COBRA OnQue] says 44 days, but I was told we have only 14 days to deliver the notice. Please explain.

OnQue: In 1995, the Department of Labor (DOL) issued an opinion letter in which it concluded that an employer/plan administrator has 44 days in which to notify a qualified beneficiary of his or her rights and obligations -- 30 days as the employer plus 14 days as the plan administrator. While most COBRA experts and courts agreed with that opinion, some did not; at least one court ruled against an employer that failed to send a qualifying event notice within 14 days. However, on May 26, 2004, the DOL gave teeth to their 1995 opinion by including it in the final rules regarding health care continuation coverage. Following is an excerpt from the DOL publication:

From Sec. 2590.606-4. Notice requirements for plan administrators, paragraph b(2): In the case of a plan with respect to which an employer of a covered employee is also the administrator of the plan, except as provided in paragraph (b)(3) of this section, if the employer is otherwise required to furnish a notice of a qualifying event to an administrator pursuant to Sec. 2590.606-2, the administrator shall furnish to each qualified beneficiary a notice meeting the requirements of paragraph (b)(4) of this section not later than 44 days....

Related COBRA Tips

- [How Many Days Are Allowed to Provide Qualifying Event Notice — 14 or 44?](#)