

DOCUMENT MAILING OF COBRA NOTICES

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A recent district court case out of Louisiana highlights the importance for employers to document their COBRA notice mailing procedures. In this case, a terminated employee claimed that her employer failed to give her timely notice of her COBRA continuation coverage rights. COBRA is a federal law that allows a beneficiary to elect to continue coverage under an employer's group health plan following a "qualifying event" such as a termination of employment. The former employee claimed that she did not receive a COBRA notice and that the first time she became aware that her coverage ended was when she went to a doctor's appointment and was advised that her health insurance had been cancelled. Although the employer maintained that, upon termination of employment, COBRA notices are automatically generated and mailed to employees, the only evidence of such a mailing was the declaration from the Supervisor of Payroll and Benefits. The court held that in this situation the declaration by itself did not meet the standard to dismiss the claim on summary judgment. Because employers bear the burden of proof regarding the timely distribution of a COBRA notice, employers should take steps to document this process, such as making a copy of the actual notice and obtaining a certificate of mailing. (*Randolph v. E. Baton Rouge Parish Sch. Bd.*, (M.D. LA, 2019))

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