

# COBRA Notice Flowchart (Spouse or Child Loss of Coverage)

A Lexis Practice Advisor® Practice Note by Gabriel S. Marinaro, Katten Muchin Rosenman LLP



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This flowchart describes the COBRA notice requirements where the qualifying event is either the employee's divorce or a dependent child losing eligibility status. For more information, see COBRA Compliance and Enforcement.

These qualifying events (QEs) each require a qualified beneficiary (QB) to provide - Divorce/separation of covered employee from his or her spouse - A dependent-child ceases to be covered under the plan under the terms of the plan QB must have at least 60 days after the latest of the following to furnish notice to COBRA administrator of the QE: - date the QE occurs - date on which the QB loses (or would lose) coverage under the plan as a result of a QE; date QB is informed through either the Summay Plan Description or initial COBRA Notice of Responsibility to provide this notice and the plan's procedures for providing such notice If the COBRA administrator determines that QB is entitled to COBRA coverage, the COBRA administrator shall provide the COBRA Qualifying Event Notice within 14 days of receipt of notice from QB If plan administrator determines that spouse or dependent-child is NOT eligible for COBRA coverage, Notice of Unavailability of COBRA coverage must be sent within 14 days Must provide QB with COBRA election period that is at least 60 days after the later of: - the date the QB loses coverage on account of the QE, or - the date the COBRA Qualifying Event Notice is provided to the QB





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Gabriel Marinaro serves as special counsel in the Employee Benefits and Executive Compensation group. His practice focuses on all aspects of employee benefits and executive compensation. He regularly counsels publicly traded and privately held companies, tax-exempt organizations, and governmental entities on a variety of employee benefits and executive compensation matters. Gabe regularly advises both employers and executives on a wide range of executive compensation matters, including drafting employment agreements, equity compensation arrangements, severance agreements and bonus plans. Gabe provides guidance on nonqualified deferred compensation plans both for for-profit companies and tax-exempt clients. Gabe regularly drafts nonqualified deferred compensation arrangements, including supplemental executive retirement plans, and change in control agreements. Additionally, Gabe advises employers and executives on issues under Code Sections 409A, 457(f), 457A, 162(m), 280G and 83 regarding compensation arrangements for executives.

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