

Berkshire Life Insurance Company (Guardian)

Side-by-Side Product Comparison – Individual Disability Income Insurance

	Massachusetts Mutual Life Insurance Company	Berkshire Life Insurance Company (Guardian)
Form #	ICC13XLSME (MaxElect 13)*	Provider Choice Form 18GI
Underwriting	Guaranteed Standard Issue Minimum Case Size: <ul style="list-style-type: none"> • Executive ER pay: 5 lives • Executive EE pay: 50 lives 	Guaranteed Standard Issue Minimum Case Size: <ul style="list-style-type: none"> • Executive ER pay: 3 lives • Executive EE pay: 100 lives
GLTD Available	No	Yes
Participating Policy	Yes. Dividends may become payable (if available) beginning at the end of year 5 (year 6 for FL and PR). Dividends are paid in cash and are not guaranteed. Dividends are not illustrated.	No
Renewability	If the policy is issued between ages 18-64 the contract will be non-cancellable until the policy anniversary on, or next following, the insured's 65th birthday. Thereafter the policy becomes conditionally renewable, the riders terminate and the benefit period becomes 2 years. If the policy is issued between ages 65+ the contract will be conditionally renewable from its inception.	Non-Cancelable & Guaranteed Renewable to Age 65 or 67 Conditionally Renewable for Life
Issue Ages	18-80	18-75 (76-80 with underwriting approval)
Waiting/ Elimination Periods	60, 90, 180, 365 & 730 days	30, 60, 90, 180, 360, 720 Waiver of Elimination Period: <ul style="list-style-type: none"> • For Act of Violence Endorsement • Recurrent Disability • Presumptive • Hospice
Benefit Periods	Ages 18-64: 2, 5, 10 years, To Age 65, To Age 67 Ages 65-80: 24 month payout; no riders; attained age rates; no amendments needed to continue coverage as coverage will continue as long as insured is actively at work at least 20 hours per week and not disabled and premiums are paid.	1, 2, 5, 10 years, To Age 65, To Age 67, To Age 70

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NOT FOR USE IN CA, CT, DE, DC, FL, MT, ND, AND SD.

* State Availability – MaxElect 13 is approved in all states except CA, CT, DE, DC, FL, MT, ND and SD. MaxElect 12 is available in CT, DE, DC, MT, ND, SD; MaxElect 07 in FL; and Radius 12 in CA. Please contact your internal home office representative to learn more about Guaranteed Standard Issue products in those states.

This comparison represents some, but not all, MaxElect 13 contractual provisions; State variations will apply; Occ Class variations may apply. Refer to actual contract for details.

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<p>Definition of Total Disability</p>	<p>Built in. Cannot perform the main duties of his/her occupation, is not working at any occupation, and is under a doctor's care.</p> <p>Total Disability with Own Occupation Rider at additional cost. Provides a monthly benefit if due to a disability the insured cannot perform the main duties of his/her occupation and is working in another occupation. The insured must be under a doctor's care. No occupation specialty language included.</p>	<p>Two Year Modified, then any occupation thereafter Until we have paid benefits for two years in the same claim, solely due to injury or sickness you are not able to perform the material and substantial duties of your occupation and you are not gainfully employed. Thereafter, solely due to injury or sickness you are not able to perform the material and substantial duties of any occupation for which you are or become reasonably suited by your education, training or experience.</p> <p>Modified Own Occupation Endorsement Solely due to injury or sickness you are not able to perform the material and substantial duties of your occupation and you are not gainfully employed.</p> <p>True Own Occupation (Full Benefit Period). Total disability or totally disabled means solely due to injury or sickness you are not able to perform the material and substantial duties of your occupation, even if you are gainfully employed in another occupation.</p> <p>Specialty Language (Available to all dentists and medical occupations not eligible for enhanced medical specialty language).</p> <ul style="list-style-type: none"> If you have limited your occupation to the performance of the material and substantial duties of a single medical specialty or to a single dental specialty, we will deem that specialty to be your occupation. <p>True Own Occupation with Enhanced Medical Specialty Language (Available to medical occupation classes, with a Partial Rider and without the Graded Lifetime Benefit Rider). We will consider you totally disabled, even if you are gainfully employed in your practice or any other occupation, if:</p> <ul style="list-style-type: none"> you are a medical doctor or doctor of osteopathy and more than 50% of your income is earned from hands-on patient care or performing surgical procedures, and you are unable to provide hands-on patient care or perform surgical procedures due to disability. If 50% or less of income is earned from performing hands-on patient care or surgical procedures, may receive full benefit if definition of total disability is satisfied. <p>Two-Year True Own Occupation Modified thereafter (Available to all occupation classes). Until we have paid benefits for two years in the same claim, solely due to injury or sickness you are not able to perform the material and substantial duties of your occupation, even if gainfully employed in another occupation. Thereafter you are not able to perform the material and substantial duties of your occupation and you are not gainfully employed.</p>

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Partial/Residual Disability	<p>The Extended Partial Disability Benefits Rider offered at additional cost. During the first 6 months, insured has a reduced capacity to perform his/her occupation and suffers:</p> <ul style="list-style-type: none"> • A minimum 15% loss of income; or • A minimum 15% loss of time ((i.e. can perform all the main duties of his/her occupation but for no more than 85% of the time they were collectively performed just prior to the start of disability); or • Cannot perform 1 or more main duty <p>After 6 months of partial disability, a 15% loss of income due to diminished capacity is required.</p> <p>During the first 12 months of partial disability benefits,</p> <ul style="list-style-type: none"> • The monthly payment is 50% of the Extended Partial Disability Monthly Benefit or the amount of the actual loss, whichever is greater. • Full benefit will be paid if loss is greater than 75%. <p>After 12 months, benefits are proportionate to the loss of income, or if greater than 75%, full benefit will be paid.</p> <p>Maximum Benefit Period: Same as base.</p>	<p>Basic Partial Disability Benefit Rider additional cost You are gainfully employed and are not totally disabled, but solely due to injury or sickness you have a loss of income of at least 20% of prior income; and either you are unable to perform one or more of the material and substantial duties of your occupation; or you are not able to perform them for the length of time they normally require. During the first six months of partial disability, we will pay 50% of the monthly benefit or the actual percentage of lost income, whichever is greater. Income loss of 75% or more = 100%.</p> <p>Enhanced Partial Disability Benefit Rider additional cost Gainfully employed and not totally disabled, but solely due to an injury or sickness, income loss is at least 15% of prior income or can perform one or more, but not all, material and substantial duties of his/her occupation or can perform all the material and substantial duties but not for the length of time those duties normally require.</p> <p>During the first 12 months of a partial disability we will pay the Enhanced Initial Monthly Benefit which is equal to your loss of income, or 50% of the monthly benefit, whichever is greater, not to exceed the policy's monthly benefit. Proportionate benefit thereafter. Income loss of 75% or more = 100%.</p> <p>Short Term Residual Disability Benefit Rider additional cost You are gainfully employed, and you are not totally disabled, but solely due to injury or sickness, you have a loss of income of 20% or more, you are unable to perform one of more of the material and substantial duties of your occupation; or are unable to perform them for more than one-half of the time normally required. We will pay a proportionate benefit for up to six months not to exceed the actual loss of income. You must remain totally disabled for the duration of the elimination period to qualify for residual disability benefit.</p>
Pre-Disability Income	<p>Calculation: The greatest of the average monthly income of last 12 or 24 months, or highest 24 consecutive out of 60 months.</p> <p>Indexing: CPI-based; 3% minimum.</p>	<p>Calculation: Average of last 24 calendar months, or highest 2 out of 3 calendar years.</p> <p>Indexing: CPI-based.</p>
Recovery Benefit	<p>Extended Partial Disability Benefits Rider at additional cost. Benefit can be paid after insured returns to work full-time and has an income loss of at least 15% as a result of the disability.</p> <p>Maximum Benefit Period: Same as base.</p>	<p>Basic Partial Disability Benefit Rider Recovery benefit is paid for up to 12 consecutive months based upon loss of income (proportionate).</p> <p>Enhanced Partial Disability Benefit Rider we will consider you partially disabled, even if you are no longer disabled, so long as you have a 15% loss of income and the loss is solely due to the injury or sickness that caused your partial disability.</p>

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Presumptive Disability	<p>Built in. Insured is presumptively totally disabled when sickness or injury causes a complete loss of speech, hearing in both ears, sight in both eyes, use of both hands, use of both feet, or use of one hand and one foot. While the policy is in-force, if the insured suffers a presumptive disability and is under a doctor's care, then full Total Disability Benefit will be paid following the waiting period for Total Disability.</p> <p>If insured suffers a presumptive disability and is under a doctor's care, total disability benefits will be paid following the waiting period. If the presumptive disability is deemed complete and irrecoverable, we will waive the requirement of doctor's care, waiting period and requirement that insured is not working.</p>	<p>Presumptive disability must be a total and complete loss of sight in both eyes, hearing in both ears, speech, use of both hands, use of both feet, or use of one hand and one foot. Will waive unexpired portion of elimination period and benefits are payable through the end of the benefit period. Will pay benefit for total disability even if gainfully employed.</p>
Recurrent Disability	<p>Built in. Due to the same or related cause and occurs within 12 months of the prior disability (6 months if BP is less than To Age 65). No new elimination period is required.</p>	<p>After a period of compensable disability ends, a subsequent disability will be considered a continuation of the previous disability if it arises from the same cause or causes and you have returned to gainful employment full time for less than 6 months following the previous disability. No new elimination period will be required.</p> <p>Elimination period also waived available if disabled within five years after the end of the previous disability which lasted more than six months for which benefits were paid (regardless of cause), and you remain continuously disabled for at least 30 days.</p>
Waiver of Premium	<p>Built in. After 90 days and for as long as insured remains disabled. Premiums paid during that 90-day period will be refunded.</p>	<p>Built in. Premiums are waived during periods of disability after the elimination period is met. Premiums paid that are for the period of disability are refunded. Premiums are waived for six months after disability ends.</p>
Cost of Living	<p>Cost of Living Adjustment Rider additional cost. 3% compound; no cap; increased benefits can be purchased upon recovery.</p>	<p>Compound Cost of Living Adjustment Rider at additional cost. Three optional riders:</p> <ul style="list-style-type: none"> • Guaranteed 3% compounded; or • Compounded, CPI tied, 6% maximum with a 3% minimum; or • 4-Year delayed, guaranteed 3% compounded <p>No cap; once disability benefits end, increases of \$300 or more will be added to the policy's monthly benefit without additional premium.</p>

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Mental/Nervous/ Substance Abuse	<p>Built in. Benefit period is 24 months per occurrence; no aggregate lifetime limit.</p> <p>Maximum Benefit Period Endorsement additional cost. Limitation can be waived to remove the limitation.</p>	<p>No limitation for the full benefit period; or A 24-month maximum benefit for the life of the policy; or a 12-month maximum benefit for the life of the policy. (6- months in some states).</p> <p>The 24-month maximum benefit for mental and/or substance-related disorders will be applied to all contracts issued:</p> <ul style="list-style-type: none"> • To Anesthesiologists, Anesthetists (MD, DO & CRNA), Emergency Room Physicians, Pain Management Physicians and General Dentists; • In CA; • On a guaranteed standard issue basis because of a Group conversion.
Exclusions/ Limitations	<ul style="list-style-type: none"> • Incarceration • War or while in the armed forces • Sustained while participating in a riot or insurrection • Intentional self-inflicted injury • Sustained while committing a felony or engaged in an illegal occupation • That results from, or is contributed to, by a disease, disorder or physical condition that was excluded as a result of the underwriting process by name or specific description <p>Pre-Existing Condition Limitation built in. May be removed with endorsement and additional cost.</p>	<ul style="list-style-type: none"> • Declared or undeclared war or acts of war; • Active duty in the armed forces of any nation or international governmental authority or while serving in units auxiliary thereto or National Guard or similar government organizations; • Any period in which insured is legally incarcerated or detained; • Commission of, or attempt to commit, a criminal offense as defined under local, state, or federal law; • Engagement in an illegal occupation; • Suspension, revocation, restriction, inactivation, surrender or the like of professional or occupational license or certification; • Intentionally self-inflicted injury; • Normal pregnancy or childbirth until 90 days have elapsed from the date of disability or the elimination period has been satisfied, if later (not applicable with policy form 18UD or 18GI); • Loss excluded by name or specific description. <p>Pre-Existing Condition Limitation built in. May be removed with additional cost.</p> <p>Gender Affirmation Procedures Endorsement Built in. Any injury or sickness caused by gender affirmation procedures treated the same as any other disability that causes disability in a compensable claim. Coverage and premiums will not change because of gender affirmation procedures.</p> <p>Cosmetic Surgery Built in. Total disability due to complications due to elective cosmetic survey Complications due to elective cosmetic surgery to improve Your appearance or correct a disfigurement, if the surgery occurs more than six months after the Effective Date.</p>
Benefits Outside the U.S.	<p>Monthly benefits will not be provided for more than 12 months in total during a period of disability while outside the United States and/or Canada.</p>	<p>Coverage outside the U.S./Canada (will be limited to 12 months lifetime maximum).</p>

Other Features & Riders

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Catastrophic Disability Benefit Rider	Available at additional cost. Max \$12,000	Available at additional cost. Max \$12,500
Enhanced Portability Option	Not Available	Built in. Within 90 days of leaving your employer, you have a one-time option to increase coverage up to the maximum GSI offer without evidence of medical insurability. Financial eligibility is required.
Future Insurability Option	Future Insurability Option Rider Available at additional cost.	Automatic Benefit Increase Endorsement. At underwriter discretion, this endorsement allows us to determine, on a periodic basis, if an automatic increase is available to the insured.
Group Supplement Rider	Available at additional cost. Provides partial disability benefit to supplement group benefit provided by an employer	Not Available
Hospice Benefit	Not Available	Built in. We will waive the elimination period and benefits will begin to accrue from the date a plan of care is initiated by a physician for hospice services through a member of the National Hospice and Palliative Care Organization.
Rehabilitation Benefit	Built in	Built in. Also has Occupational Rehabilitation, Modification and Access Benefits Endorsement.
Right to Apply For Additional Monthly Benefit	Built in	Automatic Benefit Increase Endorsement
Retirement	RetireGuard Rider Available at additional cost. Pays benefits to an irrevocable trust, in the event of total disability and not at work in any occupation.	Retirement Protection Disability Benefit Rider Available at additional cost (may also have a stand-alone policy). It provides a benefit when you are totally disabled and not gainfully employed. The benefit is paid to a trust and the trust assets become available to the insured at policy expiry.
Severe Disability Benefit Rider	Not Available	Available additional cost
Student Loan Rider	Not Available	Available additional cost
Supplemental Benefit Term Rider	Not Available	Available additional cost. Provides an additional benefit if the insured becomes disabled. This is a term rider, meaning that once the term has expired the rider terminates and no additional benefits are payable.
Suspension of Policy	Built in for Military	Built in Military, Unemployment, Family Leave
Unemployment Waiver of Premium Rider	Not Available	Available additional cost. Waives premiums for 12 months if the insured becomes unemployed and has received unemployment compensation for at least 60 days.

MASSMUTUAL: KEY POINTS OF DIFFERENTIATION

- MaxElect is Guaranteed Standard Issue with the potential to underwrite above the GSI.
- MaxElect is a **participating policy**, which means dividends may be payable, although not guaranteed.
- MaxElect is noncancelable to age 65.
- Our base policy definition of total disability provides coverage in the insured's **own occupation** for the length of the benefit period.
- We have a strong **strong partial/residual**, offered through the Extended Partial Disability Benefits Rider. There are 3 ways to qualify as partially disabled; minimum 50% benefit payable for first 12 months (the actual dollar amount of loss is payable if higher); 3 options for determining pre-disability income, going back up to 60 months; indexing has a 3% minimum guarantee; the recovery benefit can be payable up to maximum benefit period.
- MaxElect **Mental/Nervous/ Substance Abuse** benefit period limitation is per occurrence vs lifetime.
- A **Right to Apply for Additional Monthly Benefits** provision is included in every policy.
- MaxElect offers a **Group Supplement Rider** that provides for additional return-to-work benefits in a partial disability scenario.

A variety of publicly available sources we believe are accurate were used in compiling the summary, and in some cases interpretation was required. Information is accurate as of July 2024. For more information on the MaxElect 13 policy, please contact your internal home office representative. MaxElect (Policy Form XLS-ME-13 et al, and ICC13XLSME in certain states including North Carolina) is issued by Massachusetts Mutual Life Insurance Company (MassMutual), Springfield, MA 01111-0001. Policies have exclusions and limitations.

