

Jisability Insu

General Questions



Long Term Disability



Disability Claim Toolkit & Planner

INTRODUCTION

You're at the end of your rope. You simply cannot do it anymore. You know you need to go out on disability. You know you need to research your disability benefits and start the process. But, how are you going to get it all done?

This Planner is designed to help. We will guide you through the preparation process in three simplified steps and provide you with convenient worksheets to keep you organized along the way.

This Planner does not constitute legal advice, nor should it be used as a substitute for consultation with a qualified attorney.

Step 1: Identify and Itemize Your Disability Benefits

The first step is to determine the benefits you are eligible to receive. This step is critical because you must know what you are eligible to receive before you can responsibly plan your financial future.

Step 2: Document Your Disability

The second step is to gather the medical evidence necessary to prove your claim. The more proof you have in support of your claim, the more likely you are to succeed. This step cannot be stressed enough – failure to gather all available proof can result in denial for even the most debilitating disabilities.

Step 3: Explain Your Disability

The third and final step is to become capable of explaining to the insurance company why your illness prevents you from performing the duties of your occupation. In other words, you need to be able to explain your story to the insurance company in terms it understands. This may seem obvious, but you never should assume the insurance company understands the duties of your occupation or how your symptoms prevent you from performing those duties. Credibility is key, so be ready to back up your story with supportive proof.

The worksheets provided in this Planner are tools designed to help you incorporate your proof into your story.



The first step is to identify the disability benefits you are eligible to receive. Identifying all the benefits you are eligible to receive will help you understand how much income you will have when you go out on disability. You should put this information into a chart to create a complete picture of your potential income. Use the Step 1 Worksheet below as a tool.

EMPLOYER BENEFITS

Some benefits may be provided through your employer, including short-term disability ("STD") benefits, group long-term disability ("LTD") benefits, group accidental death & dismemberment benefits, group disability retirement benefits, and group life insurance benefits. To identify employer-provided benefits, check your employee handbook and/or the summary plan descriptions ("SPDs") that have been provided to you. Look in the SPD for the following key information:

1. The waiting period (also known as the elimination period). For STD benefits, the waiting period is usually between 5 and 7 business days. This means that, before the expiration period expires, you will have to use sick days in order to get paid. For LTD benefits, the waiting period is usually 90 or 180 days, meaning LTD benefits will not begin until 90 or 180 days after you leave work.

INSIDER TIP —

If you do not have a copy of your employee handbook or the SPD, you should be able to obtain these documents through your employer's human resources department. To protect the privacy of your health and disability, simply request copies of all your employee benefit plans, including your health plan and pension plan. That way, they won't think you are about to file a disability claim. They will know soon enough, but when you are ready to tell them.

- **2. The maximum benefit period.** For STD benefits, this is usually 90 or 180 days. Therefore, for the first 90 or 180 days, you will be paid STD benefits. For LTD benefits, the maximum benefit period is usually to age 65 (or 24 months if you are disabled because of a mental illness).
- **3. The gross benefit amount.** For STD benefits, the gross benefit amount is usually equivalent to your full salary for a set period of time, plus a fraction of your salary for the remainder of the maximum benefit period. For LTD benefits, the gross benefit amount is usually 60% of your compensation (some policies include bonuses in your compensation calculation while others do not). Please note LTD policies almost always provide a reduction for other benefits you receive from Social Security disability and Workers Compensation. For example, if your gross monthly amount is \$5,000 and you are entitled to \$2,000 from Social Security, your LTD insurer will only pay you \$3,000 (\$5,000, less \$2,000).

INDIVIDUAL BENEFITS

For individual disability benefits (i.e., coverage that you purchased), the best source of information is the policy itself. Also helpful are any marketing documents or summaries you received from your insurance broker.

Most individual policies have a waiting period of 60, 90, or 180 days. The benefits are usually payable either to age 65 or for life, as long as you remain disabled. The amount of benefit is usually a fixed dollar amount per month, rather than a percentage of your income.

Many policies also provide for a cost of living adjustment that correlates to the consumer price index or a specified increase. These are known as COLAs. If you have a COLA, you will receive the fixed benefit amount for each month in the first year. Every year thereafter, the monthly benefit amount will be increased by the amount specified in the policy's COLA. The COLA usually can be found in a rider to the policy.

- INSIDER TIP —

If you purchased individual coverage, you may request a copy of the policy from either the insurer or your broker. Remember to also request copies of riders or amendments to your policy.

Step 1 Worksheet: Available Benefits

Benefit Type	Waiting Period	Maximum Benefit Period	Gross Monthly Benefit Amount
STD			
LTD Plan at Work			
Accidental Death and Dismemberment (AD&D) at Work			
Individual Disability Policies			
1.			
2.			
3.			
Individual AD&D Policies			
1.			
2.			
Individual Overhead Policies			
1.			
2.			
Totals			



Step 2: Document Your Disability

A disability claim is only as strong as the proof submitted in support. Therefore, it is very important to gather all evidence you can in support of your diagnosis, your symptoms, and your inability to perform the material duties of your occupation. Also, never forget, insurance companies make money by collecting premiums, not by paying out benefits. No matter how nice the claims adjuster might seem, the relationship you have is adversarial. They always are looking for ways to escape their payment obligations. Don't give them a reason to deny your benefits by failing to submit sufficient proof of disability.

Collect the evidence you plan to submit in support of your claim. Supportive evidence may include:

- Relevant medical treatment records;
- Relevant diagnostic testing;
- Supportive letters from your doctors;
- Documentation of difficulties you have had at work due to your worsening condition, such as warning letters and performance evaluations;
- Your job description; and/or
- Anything else that supports your claim.

Organize the evidence in a file by type (e.g., medical evidence v. job-related evidence, etc.) and date. This will make it much easier to determine whether you are missing anything. Supplement the file with any additional supportive evidence as you navigate through the claims process.

To assist in this process, there are three things you could do to organize your information: (1) Compile a list of your treating providers; (2) Compile a chart of all the medications you are presently taking; and (3) Compile a chart of your treatment history. These charts will help you organize and explain your disability to the insurance company. We attach three worksheets to help you with this process.

Step 2 Worksheet: List of Doctors

Health Care Provider Information

Name:	Phone:
Address:	FAX:
	Date First Seen:
	Date Last Seen:
Specialty:	
Notes:	
Name:	Phone:
Address:	FAX:
	Date First Seen:
	Date Last Seen:
Specialty:	
Notes:	
Name:	Phone:
Name: Address:	Phone: FAX:
	FAX:
	FAX: Date First Seen:
Address:	FAX: Date First Seen:
Address: Specialty:	FAX: Date First Seen:
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Address: Specialty: Notes: Name: Address:	FAX: Date First Seen: Date Last Seen: Phone: FAX: Date First Seen:

Step 2 Worksheet: List of Medications

Medication	Dosage	Frequency	Prescribing Doctor	Pharmacy (address/phone)

Step 2 Worksheet: Treatment History

List Your Treatment History (for up to two years if relevant)

Date of Visit	Doctor/Hospital	Purpose of Visit



Step 3: Explain Your Disability

Develop a narrative that will help you articulate your disability to the insurance company. "Disability" does not mean you must be confined to a bed or wheelchair. Rather, disability connotes a functional status in relation to the requirements of an occupation. Answer the questions below to develop your personal narrative.

How did you become disabled?

Provide details about how you became disabled. If your disability occurred due to a single injury or event, identify the triggering event and circumstances that led to your diagnosis (for instance, car accident, heart attack, stroke, etc.). If your disability developed over time, address the progression of your symptoms leading up to your disability (for instance, progressing symptoms of Multiple Sclerosis or Parkinson's disease). The insurance company needs to understand why you were able to work yesterday but not today.

What treatment have you received and has it helped?

Describe the treatment you have received, and whether the treatment has been helpful. Treatment may include: examinations and follow-ups with physicians; consultations with specialists; hospital stays; emergency room visits; surgical procedures; non-invasive procedures; medications; physical therapy; psychological or cognitive behavioral therapy; and use of assistive devices (i.e., braces, canes, compression gear, etc.). The insurer will want to verify you are receiving appropriate treatment and have been doing everything possible to recover from your disability. Be sure to describe any negative side-effects you have from medications.

What are the duties of your occupation?

Tell the insurer about the duties of your occupation. Do not assume the insurer knows what you did on your job day in and day out. Explain to the insurer that your job had duties 1 through 4, etc. Explain not only the physical aspects of the job, but also the non-physical aspects of the job. When analyzing your occupation, insurers usually focus on the physical aspects of your job, and ignore the non-physical aspects, such as the fast pace, stress, and

cognitive demands. Therefore, educate the insurer about these requirements and then explain why you are unable to perform these duties.

Why is your condition disabling?

Describe why your condition prevents you from performing your occupation. Do this by explaining how your symptoms and limitations prevent you from performing specific job functions. For example, describe how your job requires you to sit at a desk all day, which you cannot do anymore because of severe back pain.

To assist you in this process, we have designed three worksheets. The first one, "Job Duties," will help you describe the functional requirements of your job. The second one, "Symptoms," will help you list and describe your symptoms. The third one, "Symptoms Impact on Duties," will help you explain why your symptoms prevent you from performing your specific job duties. Together, these Worksheets are a powerful tool for explaining why you are disabled from your occupation.

- INSIDER TIP —

When explaining the duties of your occupation, remember your LTD policy insures your occupation not your job. It only insures the duties common to your occupation regardless where you work. It does not insure aspects of your job only specific to your company. Therefore, it will negatively impact your claim if you focus on job specific issues. For instance, the fact you suffer stress from your difficult boss, Mr. Jones, is job related not occupation related. Focusing on Mr. Jones will only hurt your claim.

Step 3 Worksheet: Job Duties

Complete for your current job

Your Employer:		Your Title:	
Salary: \$	Bonus: \$	Years Employed?	Last Day Worked?
Responsibilities/duties of your job:		Average hours per day for each:	
1.			
2.			
3.			
4.			
5.			
How many hours a week do you work?		How many hours a week do you work outside the office?	
Did you have supervisory duties?		How many employees did you supervise?	
If your job requires travel, please describe:			
PHYSICAL RESPONSIBILITIES	Please estimate the nur	nber of hours (or portion of an hour) for	r each applicable category
Sitting: hours sitting at one time to		otal hours sitting in a day	
Standing: hours standing at one time		total hours standing in a da	у
Walking: hours walking at one time total h		total hours walking in a day	4
Computer use: hours of computer use at one time total hours of computer use in a da		computer use in a day	
Lifting (how much): up to 10 lbs up to 15 lbs up to 20 lbs 20-30 lbs 30-50 lbs over 50 lbs		30-50 lbs over 50 lbs	
Lifting (how often): 1-5% of the day 6-15% of the day16-33% of the day34-66% of the dayover		-66% of the dayover 66%	
Reading: 1-5% of the day 6-15% of the day16-33% of the day 34-66% of the day over 66%		he day over 66%	
Telephone: 1-5% of the day 6-15% of the day16-33% of the day 34-66% of the day over 66%		of the day over 66%	
Please explain any other important physical/cognitive re-		ve requirements of your job:	

Step 3 Worksheet: Symptoms

Disability/restrictions

Diana daam	
Please descr	ibe your primary illness or disability:
Please descr	ribe any secondary illness or disability:
Please list yo important:	our symptoms (physical and/or cognitive) in order of importance, starting with the most
1.	
••	
2.	
3.	
4	
4.	
5.	
0.	
6.	
7.	
7.	

Step 3 Worksheet: Symptoms Impact on Duties

How Your Symptoms Make You Disabled

Please describe how each of your symptoms listed above affects your ability to do your job:		
Symptom 1:		
Symptom 2:		
Symptom 3:		
Symptom 4:		
Symptom 5:		
Symptom 6:		
Summation 7:		
Symptom 7:		

GOING FORWARD

Going on disability can be overwhelming. Insurance policies are complex documents written in confusing legalese. Application forms ask for very specific information and are filled with traps. Planning now, before you leave work, can make all the difference.

Take the time needed to parse through all the information and documentation. Start thinking about how to explain why your symptoms prevent you from performing your specific job duties. The insurance company needs to understand why you cannot work. To do that, the insurance company needs to hear your story. This planner will help you begin the storytelling process.



Riemer & Associates is a firm of disability attorneys based in New York City. The Firm's practice focuses exclusively on long term disability claims, appeals, and litigation. For over 25 years, we have built a thriving practice and national reputation on our unwavering commitment to protecting and fighting for people with disabilities. We have obtained tens of millions of dollars in benefits, settlements and judgments.

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Need help with your claim? Call us at 212.297.0700