

What Is Long-Term Disability Insurance And Can You Collect Disability Benefits?

Long-term disability insurance (LTD) is generally offered to law enforcement officers and other state employees as an employee benefit. Some employers will pay for the disability coverage while others will give employees the option to pay for the coverage as a payroll deduction each month. Most LTD policies state that a claimant can collect disability benefits if they are unable to perform the substantial and material duties of their occupation due to a sickness or injury. Disability insurance policies will generally pay up to 66% of a claimant's pre-disability monthly income until the claimant reaches age 65. All disability insurance policies are drafted with different and sometimes ambiguous language, therefore it is imperative that you review the terms and conditions of your policy.

Never assume that your disability insurance company is looking out for your best interest. Disability insurance companies are in business to make money and if they have a reason to deny a claim, then they will do so without hesitation. While there are many public news stories about disability insurance companies wrongfully denying claims, it is not a difficult process if you know how to play ball with these companies. Unlike the high percentage of Social Security disability claims that are denied, more than 65% of long-term disability insurance claims are initially approved. Initial approval does not mean you will continuously receive disability benefits; therefore it is important that you continue to comply with the terms and conditions of your disability policy on a monthly basis.

15 Things You Should Know Prior To Applying For Long-Term Disability Insurance Benefits

1. Most LTD policies require you to be disabled for at least 90-180 days before you are eligible for monthly benefits.
2. You must be under the regular care of a physician and your treating physician must be willing to complete paperwork certifying that you are unable to perform the duties of your occupation. If your treating physician is not willing to support your claim for disability benefits, then it would be impossible for you to collect. When working with clients, we regularly consult with our client's treating physicians in order to make sure that the disability insurance claim forms are completed appropriately. Most disability carriers will ask your treating physician to complete a claim form known as an Attending Physician Statement every 2-3 months.
3. The application that you submit for disability benefits will be closely scrutinized therefore it is important to answer with great detail each question describing your pre-disability occupation and disabling condition. When assisting clients with their application for disability benefits we generally supplement

the application with significantly more information than what is requested. Through representing thousands of disability claimants we have the knowledge and experience necessary to anticipate every piece of information that the insurance company may request. Our actions prevent an insurance company from creating months of unnecessary delay in paying benefits.

4. Once a disability claim is filed, a representative of the insurance company will usually want to conduct either a telephonic statement or in-person statement. These statements are not generally recorded but you can request to review and verify the accuracy of the statement that you give.



5. In some cases, a disability insurance carrier will conduct video surveillance of your activities over a several day period. The video surveillance will be conducted without your

knowledge or permission. The insurance companies attempt to use the video surveillance in order to show inconsistent statements from a disability claimant.

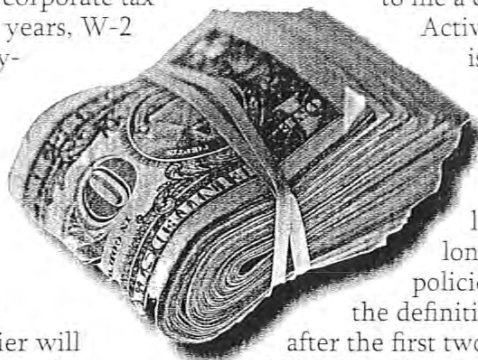
6. If you are filing disability due to a pre-existing condition, you may be precluded from collecting disability benefits.
7. You must provide the disability carrier with notice of your

long-term disability claim and provide all requested information in a timely manner or your claim could be denied.

8. The disability carrier is entitled to and will generally request your personal and corporate tax returns for several years, W-2 statements, employment contract, proof of income from all sources, and contact information of any physicians you have seen in the past 5-7 years.
9. The disability carrier will require you to sign an Authorization to Release Information, which gives them the right to obtain any of your medical records, employment records and tax records; run your credit; and conduct a background check on you. You must provide them with all of the medical information they request; I generally advise my clients to limit the scope of the authorization to medical only and the time period for which it is valid.
10. The disability carrier will usually require you to apply for Social Security disability benefits. If you are approved for Social Security disability benefits, then the disability carrier will deduct the amount of your monthly Social Security disability benefit from your monthly benefit and demand repayment of any retroactive Social Security award you receive.
11. If you are receiving Workers' Compensation benefits, most disability carriers will deduct the amount of your Workers' Compensation benefit from your monthly disability benefit.
12. Once you apply for disability benefits the disability carrier has the right to have you examined by a doctor or doctors of their choice. Should you fail to appear at a

requested medical exam, the carrier has the right to deny your benefits.

13. In most employer provided disability plans you must be actively employed on the date you became disabled in order to be eligible to file a claim for benefits.



Active employment is usually defined as working 30 hours per week for your employer.

14. Most long-term disability policies will change the definition of disability after the first two years of eligibility from "own occupation" to "any occupation." "Own occupation" disability means that you are unable to perform the important duties of your occupation. "Any occupation" means that you are unable to perform any occupation for which you have experience, education or training. For example, a patrol officer that sustains a disabling knee condition would probably be unable to perform the material duties of a patrol officer, but would be able to perform the sedentary duties of a police dispatcher. This patrol officer would be able to collect benefits under an "own occupation" definition of disability, but would not be able to collect benefits if the definition of disability changes to "any occupation." In this example, the patrol officer's benefits would be denied after receiving two years of disability benefits if the definition of disability changes to "any occupation" and the patrol officer has the ability to perform a sedentary job.

15. If a disability insurance carrier denies your claim for long-term disability benefits, you have the right to sue them for payment of your benefits, attorney fees, interest, costs and possible bad-faith and punitive damages.

It is a sad and difficult situation from both a physical and financial position anytime a person needs to file a claim for long-term disability benefits. Most people cannot afford to pay their bills if a disability insurance carrier decides to deny their claim. There is a lot at stake with a long-term disability insurance claim and the application for benefits is one of the most important pieces of information that you will provide to the company. One mistake in completing a form by either the applicant or the applicant's treating physician could easily make the difference between approval and denial. An attorney who specializes in disability insurance claims can guide you through the process and increase your chance of filing a successful claim.

Gregory Michael Dell, a former Broward county assistant state attorney, is a nationally recognized disability insurance attorney and managing partner of the disability income division of Attorneys Dell & Schaefer. The firm's disability income division is comprised of eight attorneys who represent claimants nationwide, throughout all stages (i.e. applications, denials, appeals, litigation, & lump-sum policy buyouts) of a claim for individual or group (ERISA) long-term disability. Mr. Dell and his team of disability lawyers have assisted thousands of long-term disability claimants with their claims against every major disability insurance company. While the firm represents claimants throughout Florida and nationwide the main office is located in Hollywood, Florida. For additional information visit www.diAttorney.com or call 888-Say-Dell.