

Disability Income Claims Often Require Attorney Expertise

BY LOIS THOMSON

"Insurance carriers don't accept (disability) claims with open arms," Steven Jay Dell exclaimed. In continuing, he pointed out that it sometimes seems as if the insurance companies look for reasons not to pay, charging the claimant to be "guilty until proven innocent."

One would think that the purpose of disability insurance is to pay the holder for a legitimate claim, but that doesn't always happen, according to Dell. And that's why he focuses his law practice on helping physicians and other medical personnel receive the help they need when making such a claim.

Dell heads up the 15-member Disability Income Division of the Dell & Schaefer law firm, the main office of which is in Hollywood, Fla. "It's a very specialized practice, and we do it on a national level," he said. He explained the idea behind the disability insurance is that physicians and other medical personnel, including employees of hospitals or medical facilities, may purchase insurance to assure themselves of their income if they become sick or injured and can't work. Employees may receive such a policy as part of their benefits or may be able to purchase it on their own as a supplement.

He gave an example of why this insurance could be so vital: Say an OB/GYN is in an auto accident and suffers injuries to his upper body. "He can't deliver babies if his upper body is injured," Dell pointed out, "so he calls the insurance company



Steven Jay Dell

and says, 'That policy I bought, I have to make a claim on it.' But insurance companies, on the national level, make it difficult to collect. They're very liberal in selling policies, saying things like, 'Oh yes, take out as much (insurance) as you think you'll need.' But when the time comes to collect, they tend to deny or delay paying a claim."

In some cases, Dell added, "The carriers want to prevent doctors from using their policies as retirement policies. They say, 'Of course Dr. Jones is filing a claim. It makes sense for a doctor not to work. Why not? Have you seen how the cost of malpractice insurance has gone up?' That's totally absurd. It's an abuse of the policyholder. Doctors – and employees of all types – are made to seem as if they are seeking something they're not entitled to."

With that in mind, Dell said he and his colleagues in the Disability Income Division "counsel people from Day 1 to help them make a favorable claim. Or, if they have already made a claim, we represent them to make sure they get what they're entitled to."

Dell, who has been practicing law for 30 years and handling disability income

claims for 15, said the practitioners in the Division are very busy. "I'm joined by five other lawyers who handle this exclusively," he said. "We deal with very complicated cases that are litigated very aggressively by the insurance companies."

The group has represented thousands of clients, handling a range of matters from the application for benefits process to lump sum policy buyouts for individuals who are being paid disability income benefits. They also guide clients through such particulars as the subtle difference between total disability (the inability to perform a substantial number of duties of one's occupation) and residual disability (the inability to perform one or more of one's duties, or not to be able to perform them for as much time as before).

In addition, the firm represents clients who have been receiving benefits, only to find them mysteriously cut off as insurance carriers look for ways to close files.

And it appears this business will only continue to increase, especially, as Dell commented, if "carriers look for reasons to deny claims. And as Baby Boomers are more inclined to make claims, and carriers are consciously or unconsciously creating a greater amount of obstacles – there will be no reduction in the number of claimants."

In addition to South Florida, Dell & Schaefer has offices in New York and Washington, D.C., and is opening one shortly in California. Dell said the firm is serving locations that have greater needs in this particular area of law.

Along with assisting claimants, Dell said the attorneys in the Disability Income Division serve as consultants to lawyers nationwide, and attend and speak at medical conferences. "There aren't that many (lawyers) who have our expertise," he said.

For more information on Dell & Schaefer, call (800) 828-7583 or visit www.diattonorney.com.