

When Disability Denied, Lawyer Pulls Out All Stops

BY: JOEL ROSKIND, MD
Plastic surgeon, Miami



When I first decided to apply for disability benefits, I had three policies in place, an overhead disability policy, a policy obtained through a hospital alumni association and an individual disability income policy. I sustained a significant orthopedic injury in December 2002 and by February, 2003, I realized I would need to file a claim for benefits under each policy.

Based on the numerous "horror" stories about the callousness and unjustified refusals by disability insurance com-

panies to pay insured physicians, despite their legitimate claims for disability benefits, I decided to retain a disability attorney from the get go. After doing some research, which included the web, word of mouth, and actually speaking to former (doctor) clients, I wisely decided on the firm of **Dell & Schaefer** of Hollywood, FL.

From the time I retained **Dell & Schaefer**, Steven Dell, managing partner for the firm, requested that I submit extensive information and documents, including medical records, personal information and financial documents and records such as tax returns, checkbooks, monthly profit and loss statements, general ledgers, cash receipts and disbursement journals, for the 3 year period preceding my disability. While I felt this was a daunting task, I dutifully complied, knowing that this would inure to my benefit.

Despite each company's 30 to 90 day elimination period, each company took more than three months after the elimination period to reach any determination regarding my eligibility for benefits. Moreover, despite the numerous documents sent to them by **Dell & Schaefer** in support of my claim for benefits, each insurance company sent a barrage of requests for additional information above and beyond

"...all three carriers denied my [disability] benefits. At that point, my lawyer filed Civil Remedy Notices... and prepared a lawsuit ready for filing if the claims were not paid and my eligibility for benefits clearly established clearly established. ... This got their attention.

that which was needed to support my eligibility for benefits under the term of the policy. For **Steven Dell** and I to fulfill their requests was a fulltime job!

The companies questioned the accuracy of documents provided in response to each request. They challenged records and data that reflected the duties of my occupation, and even went so far as to question, in a personal visit, called a field exam, the veracity of reports generated by the Information Technology Department of my principal hospital regarding the type, numbers and duration of the surgeries done by me over different time periods. They demanded proof to show how each hour of my workweek was spent (*although not a requirement under any policy*), and even questioned and tried to refute my treating doctors' diagnosis and prognosis. When one company found that it was unable to dispute the legitimacy

of my claim, it went so far as to interpret an ambiguous term in its policy in a manner that was very unfavorable to me, rather than in the light most favorable to its insured, as required by Florida law.

Mr. **Dell** responded in a timely manner to each request for information and documents and always included an explanation as to why benefits should be paid immediately. Despite the diligence of both Mr.

Dell and I, all three carriers denied my benefits. At that point, Mr. **Dell** filed Civil Remedy Violation Notices with the Florida Department of Financial Services, and prepared a lawsuit ready for filing if the claims were not paid

and my eligibility for benefits clearly established. This got their attention.

In pre trial activity, Mr. **Dell** got all three companies to decide in my favor--something that I could never have accomplished alone. I received all back benefits and today received my benefits on a timely basis. I was pleased that my attorney artfully avoided the drawn out and stressful litigation process. This I attribute to his competence both in dealing with the insurance companies and me. I am forever grateful.

Dell & Schaefer's, P.A., principal office is located in Hollywood, Florida that specializes in individual and group disability insurance claims and assists clients from the application process through the appeals process. To learn more about the legal issues surrounding disability income policies, please visit www.diAttorney.com.