

Disability Attorneys Dell & Schaefer Win \$960,000 in Disability Benefits For A Disabled Attorney With Headaches After Unum Disability Denial is Overturned



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Unum disability insurance company reverses long term disability benefit denial and agrees to pay \$960,000 in past due benefits to a disabled attorney that was working at one of the world's largest law firms. As a result of chronic daily headaches, this former law partner was no longer able to perform the duties of her occupation. Unum denied disability benefits under Policy #530243 claiming that her level of care is inconsistent with someone suffering from disabling headaches. Following claim denial, disability attorney Gregory Michael Dell of Attorneys Dell & Schaefer was hired to file an administrative ERISA appeal seek reinstatement of benefits for this lawyer that once earned more than \$1,000 an hour. After submission of an extensive ERISA appeal letter, Unum reversed their denial of benefits and agreed to pay all past due disability benefits and resume monthly payments in the amount of \$40,000. "It was great that Unum reconsidered their decision to deny benefits and our client was able to avoid unnecessary and prolonged litigation," stated Gregory Dell.

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An attorney and partner at one of the world's largest law firms, billing \$1,000 an hour and earning over one million dollars annually was shocked when Unum insurance company sent her a letter denying her claim for long term disability benefits under policy # 530243. As part of an employee compensation / benefits package, her employer provided a UNUM disability insurance policy that would pay her \$40,000 a month if she was unable to perform the duties of her occupation as an attorney. Her Unum disability claim was initially approved by Unum (<http://www.diattorney.com/unum/>). However, after paying for three months due to her chronic daily headaches, Unum denied disability benefits and sent a letter stating, "The level of care and known activity is inconsistent with headaches that would rise to a level of impairment." After receiving the Unum disability denial, disability attorney Gregory Michael Dell filed an administrative Appeal of the Unum disability benefit denial and recovered \$960,000 in unpaid benefits for his client.

Headache disability claims are frequently challenged by disability insurance companies as they are often considered a subjective pain condition. This means that once doctors have ruled out all other possible causes such as a brain tumor, stroke, aneurysm, hematoma, blood disorder or any other serious pathology that could be diagnosed through an objective test, then the only thing a doctor can do is manage the headache pain experienced by a patient. Through representation of hundreds of disability insurance claimants it is my experience that a claimant can rarely provide objective evidence of headaches, yet disability insurance companies such as Unum use this fact to deny claims.

The disabled law partner had undergone numerous objective tests such as brain MRIs, CT Scans, and blood tests to determine if there was any identifiable physical cause for her headaches. All of her diagnostic tests came back normal. As stated in the [New England Journal of Medicine](#) it is well known among headache experts that "serious pathology is present in only one percent of all headache sufferers (1)." According to the World Health Organization and a recent study published in the *Journal of Occupational and Environmental Medicine*, "the disability caused by a severe migraine (headache) attack is equivalent to that caused by quadriplegia."

Medication is often not the answer for people suffering with chronic headaches. In an Appeal letter submitted to Unum, disability lawyer Gregory Dell argued that "Unum failed to realize the seriousness of our client's headaches and unreasonably relied on the paper review of a medical doctor to support the Unum claim denial". In additional claim documents, Unum suggested that our client was not taking enough medication in order to support a disabling headache condition. Our legal team provided Unum with numerous medical studies confirming that regular use of medication for a person with chronic daily headaches could make the headaches worse and result in a condition called "Medication Overuse Headache".

Is exercise recommended for people suffering with headaches? In the claim documents Unum took the position that the law partner could return to work because she could exercise for 30 minutes 2-3 times a week. Unum was once again advised by Attorneys Dell & Schaefer of the more than 50 published medical studies finding that exercise is a recommended form of treatment to reduce the frequency of headaches.

Following the review of medical support from eight different doctors, more than 100 published medical studies, detailed occupation information about our client's occupation as a large law firm partner, Unum agreed that they had made the wrong decision, reversed its denial, placed our client back on claim and paid all past due benefits in the amount of \$960,000. A disability lawsuit was never filed in this matter as Unum reversed their denial within 45 days of the disability appeal submitted by Attorneys Dell & Schaefer.

Unfortunately, the claimant continues to suffer with Chronic Daily Headaches. Unum continues to pay her \$40,000 a month in disability benefits until either she recovers or UNUM decides she is no longer disabled. "We are glad that UNUM recognized their wrongful decision and awarded disability benefits to our client. It is my experience that if Unum is presented with appropriate information, then they will usually make the right

decision," said Gregory Dell.

Headaches are a chronic medical issue that affects over 100 million people annually. Attorneys Dell & Schaefer have helped hundreds of individuals obtain disability benefits as a result of headaches and have worked closely with the leading headache experts worldwide. Read more about headache disability claims on [our website](#). We have handled thousands of disability insurance claims against every major disability insurance company, including Unum. Our disability insurance lawyers offer a free consultation and are available to assist individuals nationwide with the application for disability insurance benefits, ERISA appeals, lawsuits, and lump sum buyouts of a disability policy.

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