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Buffalo firm notches \$347K disability case

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By **MATT CHANDLER**
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Alocal firm specializing in disability claims secured a six-figure settlement for a Brockport man who was twice-denied long-term disability status despite having ongoing medical conditions that left him unable to work.

JeffreyFreedman Attorneys at Law PLLC, in collaboration with Dell & Schaefer, won a long-term disability ERISA(Employee Retirement Income SecurityAct) appeal on behalf of the man for the maximum insured benefits.

According to Freedman, the dollar value during the man's lifetime is estimated to be more than \$347,000.

Insurers had denied the claim for long-term disability benefits, claiming he was able to work at his former place of employment.

"This client came to us after having seven back surgeries. He had stenosis, degenerative disc disease and neurological problems," Freedman said. "He had been employed as an engineer and is a highly educated individual. However, the job required him to sit for long periods of time. It was obvious to our attorneys he could no longer do that."

The firms filed an administrative ERISAappeal in April 2012, challenging the 2011 denial of benefits. The first appeal was denied and a subsequent appeal was filed in July.

"The Federal ERISAstatutes require that when an insured is denied long-term disability benefits, the insured must appeal the disability denial to a different employee at the same company that initially denied the claim," said attorneyAlex Palamara. "If our second appeal had been denied, we would have had to take this case to federal court â€" but the medical documentation of this case was clear. This man could not work."

The client was also awarded Social SecurityDisability benefits, which, according to Freedman, was confirmation that he could no longer work.

"We know what is needed to establish the right to collect benefits, we confer with the claimant's medical providers and obtain the proof needed to be successful," Freedman said. "But the truth is, the client paid into both of these programs over his work career under the assumption that if he really needed the benefits, they would be there for him."

After an initial lump sum award of \$80,000, the man will receive approximately \$5,000 a month in benefits until age 67.

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