Money: Fine Whines

How to keep disability benefits? Kvetch, kvetch, kvetch

April 1, 1998 By Jacques Chambers, CLU and Per Larson

Tony's disability insurance agent drops by to ask him how he spends his day. Abby's insurer calls with tips about jobs that Abby could do. And Jon gets a note tucked inside his monthly check informing him that this month's disability payment will be his last.

Traditionally, it's been left to claimants to decide when to return to work, but the post-protease Lazarus phenomenon is changing that. Social Security still lets you decide when to go to the grindstone, but some insurance companies are testing the waters in isolated incidents by dumping the occasional claimant back into the work force. It's one thing to want to go back to work -- in fact, if you're ready for part-time employment, there may be sweet deals you can pursue with your insurer -- but no one wants to be hurled back into the 9-to-5 world when not feeling well. Nearly all such cases have been settled out of court in the insured's favor, but here are some preemptive strikes you can make to protect your disability benefits:

- Keep a bad-news diary -- an ongoing, detailed list of symptoms (even if they occurred only once, or are likely to occur); think Queen for a Day. Include problems with concentration, persistence, pace, memory or irritability, since they potentially affect job performance. And don't diagnose. Let your physician take care of the labels; just list individual symptoms.
- Get your doctor involved in the protection of your benefits by giving him or her a copy of your bad-news diary, and make sure doc keeps a separate version of your hard-luck story, carefully recording each and every physical ailment in your chart. While you're at it, get a complete copy of your medical record, and ask your doctor to clarify anything that seems unclear. The disability dialogue is important enough to merit its own visit to the doctor, especially if there are forms to fill out.
- Get testimonials from friends, family members, even organizations where you have volunteered, confirming your symptoms.

- Know your disability policy inside and out. What is its definition of disability? Is it based on your own occupation, or any occupation appropriate to your experience and training? You can hold your insurer to whatever the policy says. Depending on policy language, you may be entitled to benefits even if you are able to work in a different occupation.
- Match potential job tasks against your specific symptoms so that at the drop of a hat -- or the drop-by of a claims adjuster -- you can offer concrete examples of how your illness would interfere with a job.
- Treat the lengthy questionnaires you and/or your physician are asked to fill out as an opportunity to describe in concrete and harrowing detail incidents that illustrate the disabling symptoms you've suffered.
- If a claims adjuster calls on you, make it a threesome by inviting a friend (or your attorney), and tell your story with elaborate specificity. Be honest and accurate, but don't skimp on the grizzly. Keep responses like "I'm not sure" or "I'd have to think about that" on hand for those hard-to-answer questions. And remember: Your story will be more credible if you cover the ups as well as the downs of your health. Ask for a copy of any statement taken, and read it carefully before you sign it, making sure to correct any inaccuracies.
- Remember that, like all bureaucracies, insurance companies thrive on paperwork -- they need to see black-and-white justification for continuing your benefits. Be sure to give them understandable data clearly focused on your disability to work.
- If your benefits are discontinued, appeal right away; there is sometimes a 60-day time limit. Also, it's imperative that you find out if the discontinuance has other, dire implications for your future disability benefits, or for the other insurance policies that you might have with your insurer. Call your lawyer, your insurance representative or the legal department of your local AIDS service organization to make sure that you're fully protecting your insurance coverage.

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