

SHARE PERSPECTIVES

a quarterly newsletter for
clients and friends of
David Share Associates,
Lawyers

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Free Disability Booklet

For your free copy of
*'Benefits Denied -
What To Do When
Your Insurance Company
Denies Your Disability Claim'*
call 416 488-9000



DAVID SHARE
ASSOCIATES • LAWYERS

We make a personal injury
and disability claim as
painless as possible.

In Person:

Karen Long, Chief Financial Officer

At age forty-eight, Karen Long had built up a career in financial administration that led to a new job as Chief Financial Officer with an Ontario manufacturer. At the time of her hire, Karen was promised a comprehensive benefits package, including medical, dental, and long-term disability insurance.

fully covered after the first three months

As with many group benefit plans, Karen understood that the insurance coverage would not come into effect until after she held her new position for three months. After three months, she would be fully covered with the full benefits package. Her employment contract said so.

coverage confirmed

After the three-month point in her new position, Karen made medical and dental claims on the group benefits plan, which were paid. This seemed to confirm that all of the benefits promised to her were in place, and it reinforced her job satisfaction. Even so, she kept copies of the insurance application forms that she had submitted, as well as her employment agreement, which listed all of her benefits.

kept the paperwork

Keeping all of the paperwork not only reflected Karen's professional habits as a financial officer but also proved to be invaluable later on.

sudden need for care

One weekend in the springtime, when she had been working for the company for over a year, Karen made some purchases at a local garden centre. Once she got the gardening supplies out of her car, she felt sharp shooting pains in her back and found herself hobbling, rather than walking upright. Only her husband and son would do gardening work, that weekend. As she sought comfort, she felt confident that her company benefits plan would support her.

finding peace of mind

That Monday morning, Karen called in sick, then began the day getting her situation diagnosed. She had a spinal subluxation. According to her doctor, the subluxation was probably not caused by the single incident of unloading garden supplies from her car, but had been developing over time – possibly over years. Correcting the problem could also affect her for years. Karen took comfort in knowing that the long-term disability benefits of her group benefits plan would cover her treatment and wages.



"You're not covered."

When Karen informed her employer that she would need more than one day off work, she mentioned that she was happy to have the insurance and needed to apply for benefits. The employer provided the forms and Karen attempted to make the claim. The insurance company responded by saying that they never received an enrolment form for long-term disability insurance for Karen, and so she was not entitled.

"I filled out the forms."

Despite dealing with acute pain, many inconveniences, and interruptions to her personal and professional responsibilities, Karen provided proof that she had applied for long-term disability coverage. "Look," she said, "here are the forms I filled out, date-stamped." The insurance company replied, "Sorry. You're not covered."

employer's omission

Karen was referred to David Share Associates by a friend who had been fighting for her disability benefits. DSA accepted the case and soon learned that the insurance company never received Karen's enrolment form for long-term disability coverage. DSA sued the employer for this omission.

employer settles

DSA won the case and Karen received the income-replacement payments necessary to carry her financial responsibilities during her recovery.

covered and recovered

Now, Karen is back at work. She thanks her friend very much for the referral to David Share Associates.

Team Profile:

Amy Goldstein

Little Amy Goldstein came into the world on February 6 at 10:46 AM. Her birth weight was 7 lbs 4oz. DSA lawyer Leanne Goldstein gave birth to her with Amy's father, Anthony, present. Amy has one sibling, Cory.

Mother Leanne's work involves litigation from outset of claim to mediation and Leanne is planning to return to DSA in September 2008.



Ava Melo and Chloe Melo

Twins Ava Melo and Chloe Melo arrived on February 9. Ava was born at 10:19 with a birth weight of 5 lbs 3 oz. Chloe joined her at 10:30, and her birth weight was 5 lbs 10 oz. Father Joe Melo was present for the birth at Mount Sinai Hospital. The twins' sibling, Melissa, stayed with mother Grace Soares all night until she went into the delivery room.

Grace contributes to the DSA team as Receptionist. Hers is the comforting voice that greets your call for our help. Hers is the bright smile that greets you when you walk through the door. She regards DSA as her second family and vows to return after a year's maternity leave. ☺



"To succeed we must first believe that we can."

– Michael Korda

Smile

Cindy refuses to show her age. So, she buys a new line of expensive cosmetics guaranteed to make her look years younger.

After a lengthy sitting before the mirror applying the unguents, she asks her husband, "Darling, honestly, if you didn't know me, what age would you say I am?"

Looking her over carefully, Cindy's husband replies, "Judging from your skin, twenty; your hair, eighteen; and your figure, twenty five."

"Oh, you flatterer!" she gushes. Just as she is about to tell him his reward, he interrupts her and says, "Hold on, sweetie! I haven't added them up yet!"

The orthopedic surgeon I work for was moving to a new office, and his staff was helping transport many of the items. I sat the display skeleton in the front of my car, his bony arm across the back of my seat. I hadn't considered the drive across town. At one traffic light, the stares of the people in

the car beside me became obvious, and I looked across and explained, "I'm delivering him to my doctor's office." The other driver leaned out of his window. "I hate to tell you, lady," he said, "but I think it's too late!" ☺

Ask-A-Lawyer

Q: I work for the Ontario government and have a group policy, though I'm not too pleased with the limitations on it. Which is better: a group long-term disability policy or a private policy?

A: Group coverage is generally provided through an employer and makes it easier to get coverage if you have any prior medical problems. Private disability insurance usually provides better coverage if you are unable to work at your specific occupation. Such coverage usually applies throughout the disabling condition.

Q: I have the option to sign up for additional long-term disability coverage on my group benefits plan. Why would I do that?

A: Additional long-term disability coverage could protect the maximum amount of your earnings. You should always read the fine print so you understand what coverage you get.

Q: I've been on long-term disability for over five years, now, and I'm concerned that they might cut me off. The insurance company is back in touch with me, asking questions, and suggesting I see certain doctors. What if I do not want to cooperate with their meddling?

A: Co-operation with "reasonable" requests of the insurance company is a requirement under the policy. Failure to co-operate will result in benefits being terminated. Try to use your treating physicians as advocates for you whenever possible.

Share Perspectives readers are invited to write in with questions for Ask A Lawyer. Watch future issues for questions from your fellow readers. One question per person. Send your question to AskALawyer@sharelawyers.com. 



Patient: Doctor, I have a serious memory problem. I can't remember anything!

Doctor: Since when have you had this problem?

Patient: What problem?

You Said It!

"At first I didn't know what to expect if anything. The end result has helped to pay off our debts. I wish we had known about this service sooner. Your office was recommended to us by my brother-in-law. I am grateful for everyone's help."

– Jacquie B (long-term disability)

"My thanks to your administrative staff who made sure I got my settlement money quickly."

– Dexter H (motor vehicle accident)

"David, as I am finally obtaining closure on these financial issues with your help I am recalling my first call to your office. It was a Godsend to find your advertisement in the Star that day about a year and a half ago."

– Miranda F (long-term disability) 



Did You Know...

Remember these tips when you apply for group benefits through your employer:

1. Keep the benefit booklet.
2. Keep copies of any forms that you fill out and that any doctors fill out.
3. Keep a copy of your employment contract.
4. Get clear about what's covered and how it's covered, as with any insurance policy.
5. Make sure that the insurance is applied for at the time promised.



If you have filed a disability claim and it has been denied, you are probably unsure of what to do next. Most importantly, keep in mind that simply because your claim has been denied, this does not mean it is invalid. In fact, denying a disability claim is a commonly used tactic.

Denial of your disability claim should by no means be seen as the end of the road for you or your claim. You may feel disheartened, but, by no means, should you abandon your claim. It's encouraging to know that workers with every conceivable injury or illness, in all walks of life, have had dis-

ability claims denied. These include physicians, dentists, engineers, lawyers, and even insurance professionals. These individuals were unable to do their jobs and they too were forced to use their disability insurance, only to find their claim was denied.

For your **free copy** of *'Benefits Denied - What To Do When Your Insurance Company Denies Your Disability Claim'* call 416 488 9000 or email legal@sharelawyers.com 

Gratitude

David Share Associates (DSA) is a leading Toronto personal injury and disability claim law firm. DSA concentrates on serious injuries, death claims, insurance disputes, and disability coverage disputes in Ontario. Following an accident or illness, DSA helps people to get the support they need and deserve.

We care enough to stand by you through your claim and after your settlement. Share Perspectives is one way we keep in touch.

We also respect your confidentiality. If you want us to add or remove your name and address from the Share Perspectives mailing list, send an e-mail to newsletter@sharelawyers.com. When you recommend DSA, that is our best advertising. 

Does repeated pushing on the elevator button make it arrive any faster?



DAVID SHARE
ASSOCIATES • LAWYERS

Head Office:
David Share Associates
3442 Yonge St.,
Toronto, Ontario,
Canada, M4N 2M9

Phone: 416-488-9000
Toll-Free Phone: 1-888-777-1109
Email: legal@sharelawyers.com

www.sharelawyers.com
www.sharedisabilitylaw.com