

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:

Donald Spoeken, Film-Industry Prop Hand

His friends called him a “lifer.” Donald Spoeken had worked as a prop hand in Canada’s movie-making industry that long. Donald clearly loved his work. Then suddenly, in the middle of 2004, he started to develop serious, troubling medical symptoms.

suddenly, while having fun

He had difficulty breathing, felt severely fatigued, and had worrisome chest pain. All this came upon him without warning while he played his usual game of pick-up basketball at a local gym. That day, Donald did not imagine that a Toronto law firm would be instrumental in his securing the means to resume living with dignity.

from active to debilitated

Following extensive investigation, Donald’s doctors concluded that he suffered heart failure, unusual for an active man only age 45. The symptoms were debilitating. Any physical exertion seemed to bring on shortness of breath and tightness in his chest. His doctors adamantly advised him to take off time from work while they carried out further assessments.

insurance claims accepted

Through his employer, Donald had short-term and long-term disability insurance. The insurer accepted the medical evidence that Donald was unable to work and approved his short-term and long-term disability claims. They did require extensive medical information before approving his claims, though.

covered all through

By early 2006, it was determined that Donald would require a heart transplant. He underwent the procedure in February, 2006. His insurance benefit payments continued through that time, even though the definition of his disability had changed from not able to work at his own occupation to total disability from any occupation.



another sudden event

By May, 2007, however, the insurance company felt that Donald should have recovered well enough to return to gainful employment. His insurance benefit payments were terminated.

recuperation takes time

The insurance company did not consider that the outcome of Donald’s heart transplant, though successful, was complicated. His heart condition had debilitated him. As part of his recovery, he needed more time – more time than the insurance company was initially prepared to accept – even to consider returning to work. Donald retained David Share Associates to dispute the termination of his benefits.

ending like a movie

David Share Associates took the case and challenged the insurance company’s decision. After some significant efforts, DSA convinced the insurance company to settle on a more reasonable time frame to allow Donald to recover properly and pursue alternative employment with dignity. Which he did. To this day, he is glad that he took the initiative to engage David Share Associates. 

Team Profile: Joy Nastaskin, Bookkeeper



Joy Nastaskin

Joy joined DSA in July, 2007 and since coming to work at DSA she has made a significant impact on improving DSA's efficiency in her areas of contribution. She is responsible for bookkeeping, preparation of paper and electronic briefs for mediation, discovery, arbitrations, hearings and trials, as well as data storage and retrieval.

her background

Joy is a graduate of Seneca College in Computer Programming and continues to upgrade her skills with continuing education in areas to assist her with her job at DSA.

She is also a mother of two: a son

who's married and a teen daughter.

how she feels

When asked about her work at DSA, Joy says, "It is a pleasure for me to help to ensure that DSA clients are taken care of. I am glad to be a part of serving them. For example, last Friday, a client called needing help to cash her settlement cheque. I was part of that process by calling our bank and making sure that she was able to get her money with minimum hassles."

client service #1

She adds, "Our clients are the top priority at David Share Associates, and it makes me feel good to be part of a team that works towards providing the best possible service. As part of the DSA team, I am doing something I am proud of by being part of a company that really cares about making a difference in the lives of it's clients." 🌀

"Life is a process of becoming – a combination of states we have to go through. Where people fail is that they wish to select one state and remain in it."

– Anais Nin

Smile

IN THE WAITING ROOM

I was sitting in the waiting room of the hospital after my wife had gone into labour and the nurse walked out and said to the man sitting next to me, "Congratulations sir, you're the new father of twins!"

The man replied, "How about that, I work for the Doublemint Chewing Gum Company." The man then followed the woman to his wife's room.

About an hour later, the same nurse entered the waiting room and announced that Mr. Smith's wife has just had triplets. Mr. Smith stood up and said, "Well, how do ya like that, I work for the 3M Company."

The gentleman that was sitting next to me then got up and started to leave. When I asked him why he was leaving, he remarked, "I think I need a breath of fresh air."

The man continued, "I work for 7-UP." 🌀

Ask-A-Lawyer

Q: How does a pre-existing medical problem affect a long-term disability claim?

A: Generally, pre-existing medical problems only pose a problem if the disability arises a short time after coverage begins (usually one year on a group policy). In cases where a claim of total disability is made in the first year of coverage, the insurer may investigate to see if entitlement to benefits is excluded because of a pre-existing medical condition that came up just before coverage began (e.g. in the 90 days prior to the coverage beginning). The wording of the insurance policy is critical. Any policy should be carefully examined to determine specific provisions and how they may apply.

Q: What is the change of definition that my insurance company keeps referring to?

A: A Change of Definition is usually a change how disability is defined within a long-term disability insurance policy. Many policies contain benefits that pay for a specific amount of time if the claimant is disabled from their own occupation or similar work. The change of definition usually occurs after 24 months of benefits, though that period varies

from policy to policy.

After the “own occupation” period ends, attention then shifts to total disability from any occupation. This typically means that the claimant cannot perform the essential duties of any occupation that they are educated, skilled, or experienced in.

Q: Does my long-term disability insurance company have to pay for me to be re-trained?

A: The responsibility of the insurer depends on the provisions of the actual policy. In group long-term disability insurance policies, there is usually no provision requiring the insurer to pay for retraining. In some cases, at the discretion of the insurer, they may pay for retraining or assistance in seeking retraining, since the insurer might believe it could result in the claimant returning to gainful employment. Even so, most policies do not include a benefit specifically entitling the claimant to coverage for the cost of re-training.

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.



“It is on our failures that we base a new and different and better success.”

– Havelock Ellis

You Said It!

When my insurance company denied my application for disability benefits, it was traumatic. I felt that a source of support that I had diligently built up, just in case of such an event, decided to reject my application.

As individuals, we can only go it alone so far. I was getting depressed, not knowing how I was going to continue providing for my spouse and myself. Our savings were depleting. Legal action was my only option.

I looked not only for a law firm that specialized in disability cases, but also somebody who had a good record and would not charge me up front.

I saw an ad for David Share Associates in the paper and visited their website. When I read the testimonials, I decided that they were the right people. Then I met with David Share.

David made me feel at ease. After he went through all

my documents, he decided to take my case. This was last May. He told me it would take about a year or so. My mediation is scheduled for this July.

During this time, his office has been co-operative and understanding. Every time I've called, I got my questions answered right away. They have kept in touch and kept me informed.

I look forward to my mediation and seeing the end of this ordeal. I have every confidence in the staff. I am sure they will continue to look after me every step of the way. I am thankful for the excellent service and continued support.

Best regards, Ahsar Bhutto



Did You Know...

You can pass on these tips to anybody who applies for disability insurance benefits:

1. Make sure to file your claim in a timely manner to avoid missing any deadlines.
2. Keep records of everything related to your disability case.
3. Be honest when filing your claim. Fraudulent or exaggerated claims can backfire, and can even lead to serious criminal charges.
4. Contact David Share Associates at 416-488-9000 if your claim is denied.

Laugh

Pharmacist – “Be careful with these sleeping pills-they might cause drowsiness.”

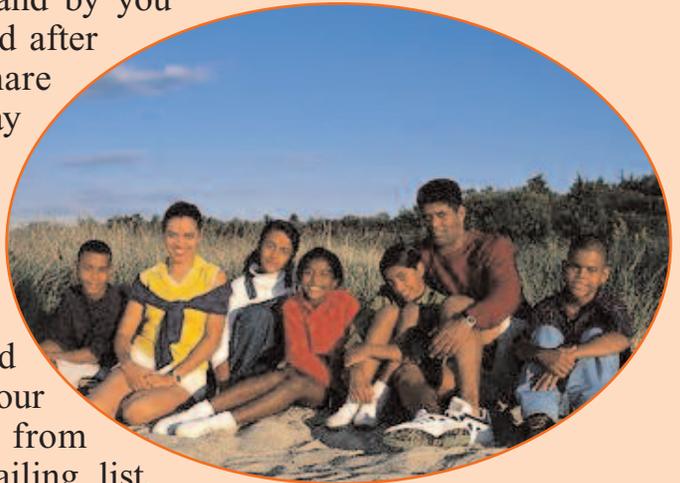
Dog – “ You know the saying “It’s not the size of the dog in the fight but the size of the fight in the dog”?”

Gratitude

David Share Associates (DSA) is a leading Toronto personal injury and disability claim law firm. DSA concentrates on disability insurance 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 your friend’s name and address or remove your name and address from Share Perspectives mailing list, then send an e-mail to newsletter@sharelawyers.com. When you recommend DSA, that is our best advertising. 📧



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