

SHARE PERSPECTIVES

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

This Issue:

In This Issue:

When to Leave Work with a Disability

In Person:

Liz Cellini, Retail Store Department Supervisor ..1

Team Profile:

Christine Chang Has a Baby Girl.....2

Ask a Lawyer:

When to Apply for Disability Benefits.....3

Did You Know:

Insurance Company Reserves Down, Need for Representation Up4

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:

Liz Cellini: Retail Store Department Supervisor



When her employer held a small party to celebrate Liz Cellini's first five years of service to the company, everybody praised her dedication and hard work. Only a few people from work knew that Liz also put a lot of hard work and dedication into raising her seven year-old daughter. None knew how much effort she put into concealing her chronic health problems.

valued but vulnerable

Hard work and dedication were characteristic of Liz, a single mother often described as driven. Age 31, she was determined to stay with the company another five years. She viewed continuing hard work and dedication as the keys to stay on while her employer, a large retail chain, had begun laying off staff as the economy weakened.

skipped appointments

Her family doctor did not view Liz's driven quality with the same admiration. Over the past four years, Liz has suffered with irritable bowel syndrome (IBS) and migraine headaches. Her doctor referred her to a migraine specialist, but Liz never made the appointment. Fearing being ordered to take time off work, she never wanted to go. Nor did she pursue any leads to treat her IBS that might compromise her availability for work.

adapted but inflexible

The migraines always struck in the

evening, when she would call on friends and family to attend to her daughter. She was well adapted to her IBS symptoms, too. It was second nature to her, for example, to choose foods and activities that would allow her to avert the worst symptoms, especially at work. Liz never considered taking time off work. She did not want to compromise her reputation for hard work and dedication or risk losing her job.

tricky predicament

Liz found herself in a difficult situation. Eventually, her symptoms grew worse. Her employer also continued laying off workers, even at her own store. She wasn't sure how much longer she could depend on her employment to continue. She also found it a bothersome distraction to continue dealing with her migraines and IBS in such secrecy.

covered

With a mind to access her disability insurance, Liz finally reviewed the employee benefits booklet from work. Even so, she regarded supporting herself and her daughter as her top priority and still feared losing her job. Though she confirmed disability insurance coverage, she felt torn.

... see Page 2

TEAM PROFILE



Brooklyn Chang

Christine Chang Has A Baby

DSA's Litigation Law Clerk Christine Chang and her husband Brian Chang became parents on Friday, March 6, 2009. Their first child, Brooklyn Amanda Chang, was born in hospital at 3:01 PM after 32 hours of labour. Baby Brooklyn weighed 5lbs 12 oz.

As a member of the DSA team, Christine has many dealings with clients. She is one of the first points of contact for prospective clients looking for representation.

She also gets in touch with clients to schedule meetings such as discoveries and mediations.

Christine says, "The aspect of my role that gives me the greatest joy is providing that settlement cheque in the hands of our clients. To see the happiness on their faces provides great satisfaction about what we do." No doubt there is much happiness in the Chang family with Brooklyn. 🌀

...from Page 1 **IN PERSON: Liz Cellini**

referred to experts

Someone told Liz about David Share Associates (DSA) and their specialty in disability insurance law. So, Liz contacted DSA to discuss her situation. She was told that if her doctor would support her application, she should apply for disability benefits as soon as possible.

good basic advice

It was explained that if she was laid off or her position was permanently terminated, then she would not be able to claim disability benefits; she must be active at work on the date she is not able to continue working. If she were terminated from her job, then it would be too late to apply for disability benefits. She was also warned that her claim might not be accepted. If so, then she should contact DSA to help pursue her entitlement to insurance benefits.

doctor-supported claim

Liz decided that she would not put off submitting a claim for short-term disability benefits through her employee benefits package. She did this with her family doctor's full support and insistence to go to the specialist.

accepted then denied

Liz's short-term claim was accepted and paid for a full 26 weeks. She then applied for long-term disability (LTD) benefits. After several months of waiting for the insurance company's decision, her LTD claim was denied on the basis that her symptoms were not considered severe enough to qualify.

retained counsel

Liz contacted DSA once again and retained DSA to pursue her entitlement to LTD benefits. Fortunately, she had saved money over the years. Her savings carried her and her daughter through the time before the LTD benefits would begin. Her savings would not last long, though, and more people were laid off at work.

settlement enables recovery

A few months later, after gathering all of the necessary information, Liz and her DSA lawyer attended mediation with the insurance company. This resulted in a lump-sum settlement that would give Liz enough funds to last awhile, allowing her to focus on her health, and to recoup for better days when she could return to her dedicated, hard-working ways. 🌀

"Our greatest glory is not in never falling, but in getting up every time we do."

– Confucius

Ask A Lawyer

Q: When should I apply for short-term disability insurance benefits?

A: Apply for short-term disability benefits as soon as your doctor indicates that you should be off work, or as soon as your doctor supports your decision to stop working. Do not delay. Any delay in applying could compromise your claim. Check your benefits booklet or policy about deadlines.

Q: Why is a medical diagnosis not enough to convince an insurer that disability benefits are due?

A: A medical diagnosis alone is not sufficient because the severity of the symptoms must also be considered disabling. For instance, if you have been diagnosed with migraine headaches, then it is important to indicate the frequency of the headaches as well as how they prevent you from performing your job.

Q: Where else can I turn while waiting for insurance benefits cheques to begin?

A: While you wait for a decision on your disability insurance application, or if your claim is in litigation, you might be entitled to Employment Insurance benefits or Social Assistance (Ontario Works or Ontario Disability Support Program). Consider also submitting an application for Canada Pension Plan disability benefits. Other sources of assistance might include friends or family. There are also associations or societies that offer support and guidance for individuals with specific medical conditions. These organizations can be very helpful, since they are typically in a unique position to understand.

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. 📧

“In the end it’s not the years in your life that count. It’s the life in your years.”

– Abraham Lincoln

Laugh: The Patch

During a man’s follow-up appointment with his cardiologist, the doctor asked if he was having trouble with any of his medications.

“Yes, one,” said the man.

“Which one?”, asked the doctor.

“The patch. The nurse told me to put on a new one every six hours. Now I’m running out of places to put it!”

The doctor had him quickly undress and discovered what she had hoped not to see. The man had over fifty patches on his body. Now, the instructions include removing the previous patch before applying a new one. 📧



You Said It!

“It was a pleasure to work with your firm during a difficult time in my life.”

– Leola Becker, long-term disability

“My thanks to Wendy Hamilton, who fielded my initial e-mail, Shira Bernholtz, who worked on my case and answered questions, and all your administrative staff who made sure I got my settlement money in a timely fashion.” – Larry Kaplan, long term disability

“You and your associates and staff are hardworking, extremely competent, and honest.”

– Arjuna Patel, long-term disability 📧

Did You Know . . .

More and bigger awards may go to claimants with strong legal representation.

Recent turmoil in financial markets and the economy is causing great uncertainty in the way all companies handle their business.

This includes insurance companies.

As their financial resources have declined and become volatile, insurance companies will put even tighter controls on their claim-handling practices, including more stringent claim approval. This results in more claims being denied or cut off.

In these turbulent times, insurance companies are aiming for fewer and

smaller payouts. As this situation develops, more and bigger awards may go to claimants with strong legal representation.

The criteria for entitlement may not have changed, but the conditions calling for insurance companies to put up stronger resistance to payouts is increasing. David Share Associates is prepared to serve people needing strong representation on disability insurance claims now. Referrals of friends and neighbours are welcome. ☎

New Building



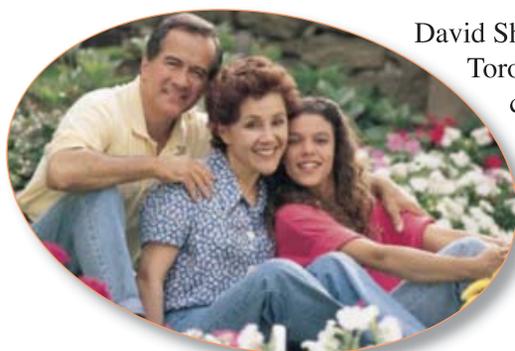
Before



After

In the previous issue of Share Perspectives, the Team Profile featured David Share himself. The article included this reference to work on the firm's premises: "DSA is expanding this autumn into the building next door and renovating the old building." Since then, the building next door has been gutted, refaced, and conjoined to the original building. Both have been renovated. ☎

Thanks!



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 e-mail to newsletter@sharelawyers.com. When you recommend DSA, that is our best advertising. ☎



DAVID SHARE
ASSOCIATES • LAWYERS

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

Phone: 416-488-9000
Toll-Free Phone: 1-888-784-3529
E-mail: legal@sharelawyers.com
www.sharelawyers.com
www.sharedisabilitylaw.com