

SHARE PERSPECTIVES



A NEWSLETTER FOR CLIENTS AND FRIENDS OF SHARE LAWYERS

THIS ISSUE

2 IN PERSON Continued
LAUGH!
INSPIRATION

3 DID YOU KNOW
These Facts About Liver
Disease?

ASK A LAWYER
Return-to-Work Programs &
Consultations

FACTS ABOUT YOUR
INSURANCE CLAIM MANAGER

4 YOU SAID IT
FIVE "DON'TS" IF DENIED LTD
BENEFITS

FREE DISABILITY BOOKLET

Call (416) 488-9000 for your
free copy of Disability Benefits
Denied: What To Do When The
Insurance Company Denies
Your Disability Claim.

SETTLEMENTS

We have recently settled cases
with:

- Meloche Monnex
- Aviva
- Intact Insurance
- Canada Life
- La Capitale and many more

IN PERSON:

Jey Rupasinghe

Doctor with End-Stage Liver Disease Denied Critical Illness Benefits

54-year-old Jey Rupasinghe was an accomplished ophthalmologist, proud husband and father whose family meant everything to him. In order to protect his family financially, he purchased comprehensive health insurance that included a critical illness benefit in the amount of \$250,000.

DIAGNOSED WITH LIVER DISEASE

Jey began to experience nausea, fatigue and abdominal cramps on a regular basis. He booked an appointment with his doctor when he realized his symptoms weren't getting better. A blood exam identified that Jey's liver was not functioning normally. Further tests helped diagnose Jey's condition as fatty liver disease. Jey's doctor told him he needed to make diet and lifestyle changes to reverse this early stage of liver disease.

THREE YEARS LATER

By age 57, Jey's condition had unfortunately worsened, even though he had tried his best to follow his doctor's advice to change his diet, cut out alcohol and exercise. Swelling in his legs and abdomen, weakness and loss of appetite caused him to take a permanent leave from work. He was seeking regular treatment, until one day, his specialist broke the news that Jey's liver disease was in a late stage and the best prognosis would be from a liver transplant.



Jay was worried when his critical illness benefit was denied for organ transplant.

PUT ON WAITING LIST

Jey was placed on a waiting list with one of the country's best transplant centres. His wife and children rallied around him. Jey decided it was time to submit a claim for his critical illness benefit so that his family would be able to keep up with their bills and other expenses.

INSURER DENIES CLAIM

Jey submitted extensive medical information and filled out all the required paperwork the insurance company requested. He survived the 30-day waiting period after the date of diagnosis of major organ failure. Even then, the insurance company's requests spanned six more weeks and seemed endless. Finally, they wrote back to Jey with a startling response: while they acknowledged that Jey met the criteria for major organ failure, on waiting list, the claim was denied based on Jey's failure to provide information regarding another health condition he had been suffering from when he took out the insurance.

continued on page 2

Laugh!

Sherlock Holmes and Dr. Watson went camping.

They pitched their tent under the stars and went to sleep.

Sometime in the middle of the night Holmes woke Watson up and said: "Watson, look up at the stars, and tell me what you see."

Watson replied: "I see millions and millions of stars."

Holmes said: "And what do you deduce from that?"

Watson replied: "Well, if there are millions of stars, and if even a few of those have planets, it's quite likely there are some planets like Earth out there. And if there are a few planets like Earth out there, there might also be life."

And Holmes said: "Watson, you idiot, it means that somebody stole our tent."



INSPIRATION

“Some days there won’t be a song in your heart.
Sing anyway.” -Emory Austin

IN PERSON: Jey Rupasinghe (continued from page 1)

While Jey did disclose the fact that he suffered from ulcerative colitis, he did not disclose that he sometimes had a loss of feeling or tingling in his limbs or face. Jey didn't specifically disclose this information because he believed that the insurance company would be aware that people with ulcerative colitis sometimes experience these symptoms. They refused to pay the \$250,000 lump sum benefit based on this alleged misrepresentation.

NO TIME WASTED

Jey and his wife immediately consulted with Share Lawyers upon receiving this upsetting news from their insurer. Knowing that Share Lawyers would not receive any fees unless they won his case reassured Jey and his wife that the firm would make their best efforts to fight on their behalf.

[Names and identifying details have been changed to protect the confidentiality of all involved.]

HOW SHARE LAWYERS HELPED

Although Jey's policy clearly stated that it would cover the insured upon "major organ failure on waiting list for a transplant", the insurance company had decided to take the route of challenging Jey's integrity by asserting that he failed to disclose information in an effort to hide relevant details from the insurance company.

Shortly after Share Lawyers filed Jey's Statement of Claim, the insurance company's counsel contacted them to discuss the possibility of reaching an early settlement of the claim. A settlement meeting was arranged and within several months, a favourable settlement had been reached.

Jey did undergo a liver transplant in 2013 and is doing very well today. The settlement of his critical illness claim helped his family to stay afloat financially while he recovered from his transplant surgery until he was able to return to work. [SP](#)

DID YOU KNOW:

These Facts About Liver Disease?



- The liver is the largest internal organ in humans.
- The liver performs over 500 different functions, including cleansing blood, fighting off infection, neutralizing toxins, manufacturing proteins and hormones, controlling blood sugar and helping to clot the blood.
- One in ten Canadians has some form of liver disease.
- A common belief is that every person diagnosed with liver disease is an alcoholic. That is simply not true. While cirrhosis of the liver can be caused by alcohol consumption, there are over 100 other forms of liver disease caused by other factors such as diabetes, cancer, viral hepatitis, autoimmune disorders and genetics.
- Fatty liver disease, most often caused by obesity, is currently the leading type of liver disease in Canada.
- Men and women of all ages, from infants to seniors, may suffer from some form of liver disease.
- The first liver transplant performed in Canada was in 1970 by Dr. Pierre Daloze in Montreal, Quebec.
- The liver is the only organ that can regenerate itself, making it possible for a living person to donate part of their liver to another person.
- Depending upon the type of liver disease and its stage, treatment may include medications, special diets, lifestyle changes or, in cases of severe advanced liver disease, a liver transplant.

Source: The Canadian Liver Foundation www.liver.ca

ASK A LAWYER:

Return-to-Work Programs & Consultations

Q: Can my insurance company deny my LTD claim because I refused to participate in a return-to-work program?

A: The short answer is yes, as this can be deemed to be non-compliance with the terms of the policy (subject to the terms of the specific policy in question). If your medical condition precludes a return to work at the present time and this is supported by the medical evidence, then a denial on this basis can be disputed and you should consult a disability lawyer to discuss your specific circumstances.

Q: Can a friend or family member accompany me to a free consultation to speak with one of your lawyers?

A: Yes, provided that this is someone you wish to attend, in most cases this would be permitted. *SP*

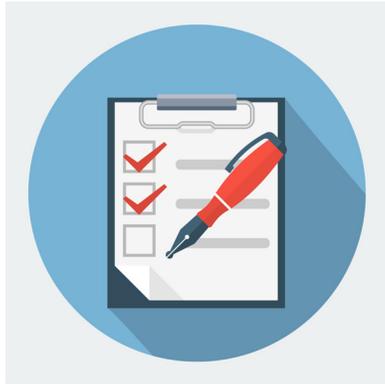
4 Facts You Should Know About Your Insurance Claims Manager

If you have filed a claim for long-term disability benefits through your group or private insurance company, you will have been assigned a Claims Manager, also known as a Case Adjuster or Case Manager, who is your point-person for your claim. To help ensure that your claim is assessed fairly and in a timely manner, keep these four facts in mind during all interactions with your Claims Manager:

1. Your Claims Manager is not your friend.

They may seem concerned about your well-being and ask very personal questions about your health, lifestyle and occupation, but it's not because they care about you. Your Claims Manager works for the insurance company, and it's their job to protect the insurance company's bottom line by paying out on as little claims as possible. The next time your case manager asks you prying questions about your health, remember that they are looking for reasons to deny your claim. This brings us to our second point. [CLICK HERE TO READ MORE.](#)

Five “Don’ts” to Remember If you Have Been Denied Your Long-Term Disability Benefits



- **DON'T** sign anything from the insurance company without carefully reviewing it first - it could potentially be used against you during your case.
- **DON'T** let too much time go by before seeking legal counsel. There is a statute of limitations on your disability claim.
- **DON'T** overdo or participate in activities in public that might be construed as proof that you are not disabled. The insurance companies may document this, even with video, and may use this against you.
- **DON'T** file one claim at a time. If you're disabled in more than one way, don't let the insurance company tell you that you can only file one claim at a time. Your policy covers your entire body and potentially all the ways it can be disabled.
- **DON'T** settle for less than you deserve. Contact an experienced disability insurance lawyer after your claim has been denied or terminated, as the earlier a lawyer is involved, the better your chances are of getting maximum benefits.

YOU SAID IT! COMMENTS FROM ACTUAL CLIENTS

“This was the second time I had to use the knowledge and expertise of Share Lawyers. Capable lawyers and staff, and again they were able to help with my experience of having my disability benefits discontinued. The staff was great, courteous, helpful, answered all my questions. You guys are doing a great job of helping the claimant get the benefits entitled to them. Keep up the great work.”

- Alex W., long-term disability claim.

“Share Lawyers stood by me and made me feel protected from the agony of dealing with the endless requests from the insurance company. My advice to anyone who is dealing with a denied claim is to seek Share Lawyers and listen to their guidance, otherwise you will keep going in circles. Do not waste time!”

- Marianne N., long-term disability

Refer a Friend

Share Lawyers is a leading Toronto law firm focused on insurance disputes in Ontario. Following an accident or illness, Share Lawyers helps people to get the support they need and deserve.

Please recommend Share Lawyers to your family and friends with long-term disabilities who struggle with private or group insurance claims.

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