



PERSPECTIVES

ONTARIO'S LEADING DISABILITY INSURANCE LAWYERS

IN PERSON

Diana's Addiction and Journey Towards LTD Benefits

Diana is a 33-year-old nurse who was working in a hospital in Goderich, Ontario. Despite coming across as a friendly person, Diana has a social anxiety disorder that she has been battling since her late teens. When she was in her mid-twenties, Diana started drinking heavily. Alcohol consumption became more and more of a crutch, and it is a poorly kept secret among her family and friends that Diana is an alcoholic.



Though she knew drinking was wrong, she felt completely out of control.

During a particularly stressful time several years ago, Diana was frequently missing work and even came in to work intoxicated. After several warnings from her employer, Diana stopped drinking, but she was unable to stick with sobriety.

When Diana became pregnant she knew the severe side effects that drinking could have on her baby, so Diana abstained from drinking again. Once her daughter was born, however, Diana could no longer resist the urge to drink. The pressures of being a new mom were compiling and though she knew it was wrong, she felt completely out of control. She was at home all day with her daughter while her partner worked.

After her maternity leave was finished, instead of returning to work Diana applied for long term disability benefits. Her doctors knew about her addiction and supported her claim. She knew that she couldn't go back to work in her current condition, but her family needed all the financial support they could get with the new baby. When Diana received a rejection letter from the insurance company, it said that unless Diana was willing to go to an in-house treatment



YOU SAID IT:

"Positive and professional. I expected it based on your experience and reputation."

- Mochi G.

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.

DO YOU HAVE A CASE?

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+ PLUS

REFER A FRIEND

LAUGH

SHARE LAW GUARANTEE

WORKING AT SHARE LAWYERS

LAUGH!

What is the difference between ignorance and apathy?

I don't know, and I don't care.



IN PERSON (cont. from page 1)

program for her alcohol addiction, they would not approve her claim. Diana was not in the position to leave her daughter, as there were no other caregivers for the young child. She felt stuck and hopeless.

Diana's mother saw a Share Lawyers Facebook post, and read a blog about addiction as a disability. Though this was not news to her, Diana felt empowered to face her addiction and disability issues head on. She called Share Lawyers, and, without having to come into the office in Toronto, they arranged a telephone consultation and took on her case.

With a firm diagnosis, Share Lawyers was able to prove that Diana was genuinely disabled. With the help of Share Lawyers, Diana won her case, received the benefits she was entitled to, and is finally on the path to treatment with her family by her side. She is hoping that one day she will be able to go back to nursing.

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

ASK A LAWYER



Q: Are addictions such as alcoholism and drug abuse covered under most health insurance policies?

A: Having an addiction is generally recognized to be an illness. Whether the addiction will entitle a person to insurance benefits will depend on the specific provisions of the applicable insurance policy. Under the typical group benefit policy, a substance abuse addiction to drugs or alcohol can form the basis of a disabling condition that would entitle an individual to disability benefits, provided that they are compliant with medical treatment, which may often include the necessity to be actively participating in a drug or alcohol treatment program.

Q: I have a gambling addiction, for which I am seeking professional help. Am I eligible for disability benefits?

A: A gambling addiction which includes anxiety, depression, panic and other symptoms that interfere with day-to-day functioning can form the basis for a disability claim. Seeking professional help to deal with the addiction is generally a requirement for qualifying for disability benefits.

Q: When I was in rehab and couldn't work, I applied for long-term disability but they argued that I am not really disabled, even though my addiction affected my ability to function day-to-day. Is there any way to fight this?

A: Most Group Disability Benefit Policies do not specifically preclude a claim for disability based on an addiction. Most policies do have requirements for you to be engaged in appropriate treatment and specifically with respect to an addiction, a rehabilitation program aimed at addressing the addiction, but a denial of benefits solely on the basis that an addiction is not really a disability is something that can be challenged. The specific facts of each case must be reviewed to determine the possibility of successfully pursuing benefits or a settlement, but it is something that should definitely be looked into.

Always #AskALawyer if you have any questions

INSPIRATION

"I avoid looking forward or backward, and try to keep looking upward."

- Charlotte Brontë



"What lies behind us and what lies before us are tiny matters compared to what lies within us."

-Ralph Waldo Emerson

DID YOU KNOW?

Addiction as a Disability

It's easy to recognize diseases like MS and Parkinson's as a disability - these conditions affect movement, mobility, and even cognitive function. Sometimes more difficult to accept is addiction as a disability. To those who have never dealt with addiction personally, in the lives of their friends and loved ones, addiction can seem like a series of bad decisions rather than a legitimate illness. Stigma around addiction is strong, and often based around a misunderstanding of the disease and its causes.



Addiction is medically defined as: "A primary, chronic disease, characterized by impaired control over the use of a psychoactive substance and/or behaviour. Common features are change in mood, relief from negative emotions, provision of pleasure, pre-occupation with the use of substance(s) or ritualistic behaviour(s); and continued use of the substance(s) and/or engagement in behaviour(s) despite adverse physical, psychological and/or social consequences. Like other chronic diseases, it can be progressive, relapsing and fatal."¹ Addiction is clearly defined as a disability in the Ontario Human Rights Commission (OHRC), and since 2006, addicts have been protected under a Supreme Court ruling that "drug

addicts and alcoholics can't be denied benefits that other persons with disabilities receive."²

While there is varying public opinion on whether addicts should be able to access disability benefits, the shared qualities of addiction and diseases highlight why these shared rights are so important. In the lengthy definition from the OHRC, disability is: "any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness, [...] a condition of mental impairment, [...] a learning disability, or a dysfunction, [...] a mental disorder"³. Further to this, many people with addiction issues suffer from other kinds of disabilities, including mental health conditions; as stated in the OHRC, "there is often significant cross-over between addictions and mental health issues, with many people experiencing both."⁴

Despite personal opinions or experiences, the OHRC decision was granted for good reason - based on scientific research and much more than a singular experience. In Ontario, it is the law and the last word.

Sources:

1. <http://www.slw.ca/2010/09/23/alcoholism-and-drug-addiction-are-disabilities-%E2%80%9D95-government-benefits-can%E2%80%99t-be-denied/>

2. <http://www.ohrc.on.ca/en/policy-preventing-discrimination-based-mental-health-disabilities-and-addictions>

REFER A FRIEND

When you refer a friend you make a real difference

Share Lawyers is a leading Toronto law firm that specializes in 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.



YOU SAID IT!

Comments from Actual Clients

"I felt comfortable from the moment I first walked in. My intake interview was wonderful and they were very professional at my mediation. I enjoyed having them as my lawyer! Whenever I called I got an answer right away."

- Rosalind G

"I just want to take the time to thank you for all the hard work you put to win my case. The settlement money was deposited in my account today. It is such a relief that the case was settled so quickly and for better than what I expected. Everybody at Share Lawyers was great for me from the beginning. They were always quick in answering my emails and always courteous and helpful. I will not hesitate in recommending Share Lawyers for anybody who needs a disability lawyer. They are the best."

- Dana P.

WORKING AT SHARE LAWYERS:

What our team thinks is the Share Lawyers difference:

"I really like the work environment because we work well as a team. Everyone knows their roles so it makes it a lot easier. I'm learning a lot, and there always something to learn."

- Surabi

"We're awesome! We have a very good success rate I would say."

- Emily

"Personal Service. Every individual is dedicated to provide their best service and to be the best team member possible."

- Volker

"We're compassionate people."

- Joy



DO YOU HAVE A CASE?

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