

COMMON REASONS FOR DENIAL IN LONG TERM DISABILITY (LTD) CLAIMS

Frequently Asked Questions

✚ Why do LTD claims get denied?

Insurance companies deny LTD claims for many [unfair] reasons. In our experience, many of those reasons are simply not supported by the facts, which means that insurers were wrong to deny the claims and can be forced to pay them. Pursuing a wrongfully denied LTD claim is not complicated. At our office we handle many such claims every day in Ontario, British Columbia, and Alberta. We have developed a certain level of respect and reputation with insurance companies such that they know that when we pursue a claim on behalf of disabled person who has been unjustly denied his or her LTD claim, we will not back down, and we will not rest until they pay what our client he or she is owed.

✚ What are common reasons for denial?

There are many reasons for denial. The most common reasons we come across are:

- You are not “totally disabled”
- We disagree with your doctor(s) that you are disabled from working
- There is a lack of supporting medical documentation proving that you can’t work
- There is a lack of *objective* medical documentation proving that you can’t work
- There is no diagnosis for your disability
- You can work in some other occupation
- You have not complied with reasonable treatments
- You applied for LTD too late
- There is surveillance that contradicts the claim that you are disabled
- An insurer assessor says that you are not disabled (this usually happens in the context of an IME – an “Independent Medical Examination”)
- You are refusing to go back to work or to participate in a gradual return to work program
- You are in breach of some provision of your LTD policy
- You are not covered because of a pre-existing condition (exclusion clause under the policy)

There are, of course, many other reasons for denial. These are just the common ones we come across.

✚ *What can you do if your LTD claim is denied?*

First, don't panic. You are not alone and there have been many others, like you, who have been unjustly denied LTD by their insurers. If you are disabled and if your doctors/treatment providers have confirmed that you are disabled from working, chances are that we **can** help you force your insurer to pay.

Second, if you are denied your LTD claim, **for any reason**, contact us immediately. We will need to review the denial letter and the most recent medical documentation you have in support of your disability. If you are a unionized employee, we will also need to see your collective agreement. We will then review these documents, speak with you about your situation, and let you know what your options are, **at no charge**. There are almost always options, so don't give up!

Lastly, understand that insurers often deny claims in error. Their adjusters handle many claims at any given point, and they are not practicing lawyers. We are. We fight for individuals who have been denied LTD every single day, and we resolve these claims frequently. The key is stand up for your rights and let us help.

✚ *What can you expect once we tell you that you have a case against your LTD insurer?*

Once we determine that we can help you and you agree to have us represent you, we file a legal claim against the insurance company, which means that they are only allowed to communicate with us going forward, not with you. This allows you to focus on yourself and your health. We will communicate with your doctors and treatment providers, and we will push back against the insurance company's unreasonable and unjust denial of your claim. Our objective is to arrive at a resolution in the fastest and most efficient way possible that will see to it that your insurer pays you what you are owed under the law. This often takes the form of a settlement, rather than a trial. In fact, trials are very rare in LTD cases. Quite frankly, insurers prefer not to go to trial because it's very costly. They most often prefer to settle. That said, the amount of the settlement will largely depend on the legal team representing you, their experience, resources, and reputation.

✚ **Questions? Concerns? Contact us!**

Toll Free: 1-855-821-5900

Email: help@disabilityrights.ca

www.Disabilityrights.ca

or

Post your question and get an answer from one of our disability lawyers at

www.MyDisabilityQuestions.com

FREE CONSULTATIONS

The information provided in this FAQ document is for general purposes only and should not be relied upon in specific cases without consulting a legal team member at Samfiru Tumarkin LLP. For more information, please contact us at:

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