

About DeHaanBusse LLP

DeHaanBusse LLP is a leader in disability law including New York City Retirement Systems (NYCERS), New York State & Local Retirement Systems (NYSERS), Private Insurance Policy Claims, **Employee Benefit Claims (Group Disability Plans/ERISA)**, Federal Employee Retirement System Claims (FERS), and VA Disability Claims. Our practice is based upon one simple premise: *that individuals have the right to receive what they have paid for and what they have been promised according to the law.*

We focus on and believe that the safety net most Americans have worked long and hard to provide for themselves and their families should be there when they need it. Unfortunately, more and more that is not the case. Insurers often arbitrarily deny legitimate disability claims, despite the costly premiums paid out through the years. Their decisions have resulted in the near financial collapse of many individuals and their families.

Our attorneys have litigated cases against many of the largest insurance companies in the disability field including Unum Provident Corporation and its subsidiaries; Metropolitan Life Insurance Company; New York Life Insurance Company; Equitable Life Assurance Society of the United States; First Reliance Standard Life Insurance Company; Hartford Life Insurance Company; Berkshire Life Insurance Company of America; Guardian Life Insurance Company of America; Sun Life Insurance & Annuity Company of New York; Reliance Standard Life Insurance Company; Aetna Life Insurance Company; and Life Insurance Company of North America, among many others.

Why Our Firm?

Knowledge - Our attorneys have an in-depth knowledge of the process and the law as it specifically applies to disability, and will provide you with a realistic opinion of your case.

Experience - We know which details are fundamentally important to achieving a favorable decision in your case. Our partners collectively have over 55 years of experience in disability law.

Personal Attention - We know our clients come to us at extremely difficult times in their lives. That is why our attorneys and our entire staff are uniquely responsive to their needs. We believe in and practice total transparency, and take the time required to explain the details as well as all legal fees relating to your case.

We are here to help. . .

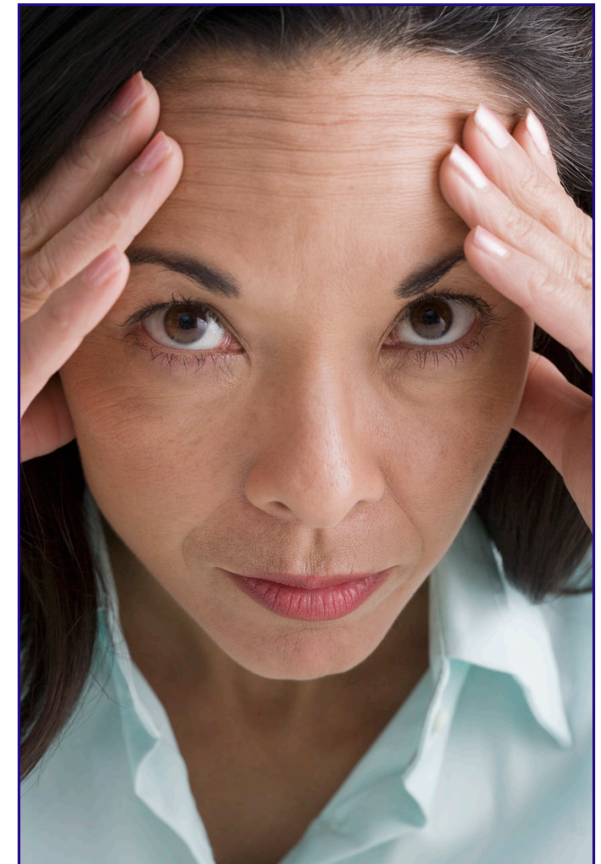
and are available to you for a free consultation. Call us today.



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Your Employer-Sponsored Disability Plan: *(ERISA)* There are Benefits & Pitfalls



DB DEHAAN • BUSSE LLP

*Once you've achieved your American Dream,
we fight to make sure you keep it.*

Regularly Review Your Benefits Summary . . .

If you work for a corporation that provides benefits packages, chances are a part of that package is Long-Term Disability Insurance. This insurance goes beyond what is mandatory by New York State Law, *and is governed by the Employee Retirement Income Security Act of 1974 (ERISA), a federal statute.*

In the event you become physically or psychologically disabled, an ERISA plan will pay you a monthly income benefit equal to a percentage of your pre-disability income, typically between 50% and 66%, minus other disability benefits you are entitled to receive.

This *sounds* like a reliable safety-net. However, ERISA plans vary in quality and coverage. Therefore, an Employer-Sponsored Long-Term Disability plan does not constitute a cure-all for employees who are unable to work and earn weekly salaries. Here's why.

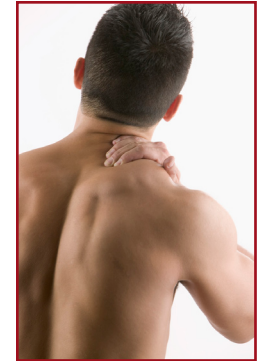
Only Your Base Salary . . . At **DeHaanBusse LLP**, we regularly meet with clients who assume their Long-Term Disability plans provide them with higher monthly benefits than is actually the case. They reach this conclusion primarily because they have not, prior to becoming disabled, had occasion to carefully review their Benefits Summary. In most cases, Long-Term Disability plans pay out 50-66% of your monthly income. However, that figure usually does not include sales commissions, bonuses, or tips; earnings that many working people (*such as sales reps, hairstylists, caterers, managers*) consider a part of their regular salaries, and cannot do without. Remember

that Long-Term Disability monthly benefits typically are *determined on your base salary, alone.*

You Must Reimburse For Other Benefits You Receive . . . After disability benefits have been approved by the carrier, the insurer typically requires that clients apply for Social Security benefits as well as Long-Term Disability benefits provided through their Employer-Sponsored plan. While Social Security benefits can take well over a year to receive, depending on your plan, Long-Term Disability should begin to pay benefits immediately after the conclusion of your Short-Term Disability. **Caveat:** *Be aware of your elimination periods for both Short and Long-Term Disability.*

This *can* get complicated if you are unaware that your Long-Term Disability provider expects reimbursement for other disability benefits you receive (*from Social Security, Workers' Compensation, No-Fault, etc.*) if your *total* benefits exceed 50 to 66% of your base salary. Here's an example: Mr. Jones earned \$4,500 per month. After he became disabled, his Long-Term Disability plan would pay him 60% of his total base salary, or \$2,700 per month. However, Mr. Jones also filed a claim with Social Security which would eventually pay him \$1,500 a month. After Mr. Jones had been receiving his Social Security benefits for about one year, he was contacted by his Long-Term Disability carrier and informed that he now owed them an *overpayment* of \$14,400. The carrier subtracted \$1,500 from the \$2,700 it had paid him, and concluded that Mr. Jones owed them the difference of \$1,200 per month, over the period of 12 months. Very often, after the claimant pays back that *overpayment*, the carrier cuts off benefits.

A Doctor's Diagnosis . . . It is crucial that you seek medical care immediately should you become disabled. However, even a diagnosis from your doctor is not always proof enough of your condition for a Long-Term Disability carrier. In our practice, we handle claims on behalf of clients who clearly have debilitating disabilities that render them unable to work. Most often their own doctors support their claims. And yet, their Long-Term Disability carriers still deny their claims. All carriers have their own physician-employees. Should *their* physician-employee disagree with the findings of *your* physician (or physicians), the carrier often will deny your claim. The carrier usually will give more weight to *their* physician-employee than to *your* treating physicians, even your specialists.



Finally . . . There are many other complications that may arise when and if you need to file a claim with your Long-Term Disability carrier such as meeting timing deadlines, and the objectiveness of your claims administrator (*who often is an employee of your company*).

When you are legitimately disabled, you should seek the advice of an attorney who focuses on Long-Term Disability insurance. The last thing you need when dealing with a serious illness or injury is the stress of struggling to obtain the benefits you are entitled to receive by law.

DeHaanBusse LLP is available for a free consultation. Contact us today.