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Contributed by [Disability Insurance Bad Faith Lawyer](#), Eric J. Ratinoff

So let's take a few minutes to talk about what happens when you become disabled.

Here you are somebody who's purchased a [long term disability policy](#) to protect you and your family, and calamity strikes – either an accident or an illness – and you can no longer work. What you should do is immediately make a claim with the insurance company. There's a claim form that you can easily obtain – call your agent, call your broker, call the insurance company directly. Let them know that you've been injured, or that you're sick, and you're making a claim under your policy. And you should start to fill out the claim form right away. Get it back to them promptly. There will be statements that will need to be filled out by your physician, so make sure to get the form to your doctor as soon as possible. Now, every disability policy has a provision stating that you need to be under the regular attendance of a physician for the disabling condition to be valid under the policy. What "regular attendance" means is up for interpretation, and, really, that's a medical issue to determine what's regular and what's reasonable according to the condition that you're suffering. It must be established that this is a condition that's affecting your life to the point that you can't do the job you've trained to do for so many years.

It's also important to start gathering documentation that will help you put your best foot forward with the insurance company. Get your medical records together if you are able. Gather whatever films may have been taken. Let your insurance company know that they can have it all. Now the insurance company has forms that allow them to get your medical records themselves – and they should do that. It's their obligation to do that. But they don't always do it. And whenever possible, you as the claimant need to force their hand. It's understandable that you may not be able to gather everything – that perhaps because of your condition you simply cannot manage to pursue the necessary documents or even keep them organized.

That's one of the sad things about how these insurance companies treat people, because often it's a disabled person who's down and out and lacks resources and is sick, disabled, that the insurance companies take advantage of. And they

have you jump through hoops. They're not supposed to make you jump through hoops, but sometimes they do.

So get your documentation – your medical records, your earning information. Get your W2's. or if you're self employed, get your 1099's. Gather together your tax returns. All of this information comes together and may provide support for your claim. Every policy contains something pertaining to earnings, and almost every policy calls it "proof of loss," or some version of that phrase. In essence it's the proof that your claim is valid and falls under the provisions of the policy. This is the type of information that helps prove that.

If you were injured on the job and you have a vocational rehabilitation counselor that's been working with you through the worker's compensation system, get that documentation together. If you've applied for social security disability and have been deemed disabled according to social security, get that documentation together. But don't be misled – the definition of disability under most insurance policies is far more favorable to you as the insurance policy holder than the definition of disability under the social security guidelines. So if social security says you're not disabled, that doesn't mean that you are not [disabled under your insurance policy](#). They are two different worlds. But certainly, if the social security has said that you are disabled, that's very powerful evidence to get in front of your insurance company to support the proof of your claim. It's important to get as much documentation as possible to make it difficult for the insurance company to deny your claim.

Stay tuned to part three of this 4-part Disability Claim series. To subscribe to this series via podcast, visit the [KCRLegal Personal Injury Podcast](#).