

Since 1983, the AIDS

Legal Referral Panel (ALRP)

of the San Francisco Bay Area

has handled over 50,000 legal

matters for people living

with HIV/AIDS.

Our panel of over 700 ALRP

attorneys is ready to provide

comprehensive legal services

to help you resolve your

legal problems.

### How To Volunteer/Donate

ALRP relies on the legal community's tradition of pro bono service and the generosity of many individuals and organizations to meet the legal needs of people with HIV/AIDS.

ALRP needs volunteers to donate their time in a multitude of ways. To volunteer, please contact our Volunteer Coordinator at (415) 701-1100 ext. 303.

To donate, please mail your tax-deductible gift to:  
ALRP, 1663 Mission Street, Suite 500  
San Francisco, CA 94103.

Your contribution, large or small,  
is greatly appreciated.

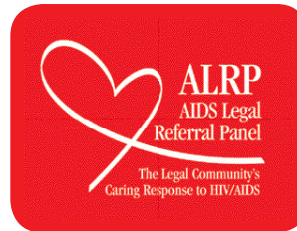
### Attorneys Helping You

If you have a legal problem, please call:

**(415) 701-1100**

**(510) 451-5353**

(HIV Services or CRS 800.735.2929,  
dial 415.701.1100)



1663 Mission Street, Suite 500  
San Francisco, CA 94103  
[www.alrp.org](http://www.alrp.org)

Se habla español

A State Bar of California Certified Lawyer Referral Service #0070

It's not just about people's rights,  
it's about people's lives.

# H I V / A I D S I N S U R A N C E P R O T E C T I O N P R O J E C T

## MY DISABILITY PLAN

This brochure provides general information about Disability Insurance Plans - plans that promise a financial benefit to individuals if they become too sick to work.

For Bay Area residents  
living with HIV/AIDS



# My Disability Insurance Plan

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## How secure is my disability benefit?

Disability Insurance Plans may cover an individual with a short term disability, but more commonly, they guarantee an individual's income over the long term. Some people may have purchased a Disability Plan for themselves, but most people receive the benefit through an employer. While this may not seem important, the source of a Disability Plan will dictate which laws govern the plan's administration and how secure your benefit will be.

## Where did I get my plan?

### \* As an employee benefit:

Employer-provided group plans are regulated under a federal law known as the Employment Retirement and Income Securities Act (ERISA). ERISA was enacted in 1974 to address problems with pensions and other welfare benefits.

ERISA limits your rights, especially when an insurance company denies your claim. Under ERISA you have 180 days to appeal the denial of a claim, and the appeal should not be taken lightly. Your insurance company reviews the appeal, not a third party.

If the appeal is denied (and it often is), you may file a lawsuit in federal court. You will not be entitled to a jury trial, only trial by a judge. If a judge rules in your

favor, you will recover only the benefits due to you and nothing more! So, if you lost your apartment because you lost your income, and you suffered from stress that made you sick, you will not be compensated for your losses.

### \* As an individual purchase:

Many individuals purchased long term disability coverage for themselves before they became disabled. These individually purchased plans are not governed by ERISA. Disability Insurance Plans provided by an employer that is a church or government entity also fall outside of ERISA's reach. Instead, these plans are controlled by California insurance law. This means that the policy will be administered under more consumer-friendly state laws. If your claim is denied, you can have a jury trial and seek compensation to recover your losses.

## How do I protect my benefits and myself?

Whichever type of plan you have, it's important to understand your policy. You are not guaranteed life-long coverage under either kind of plan, and an insurance company will periodically review your medical conditions and ability to work.

You should speak with an attorney if your benefits have been denied or threatened. ALRP's HIV Insurance Protection Project (HIPP) is available to work with you to

answer your questions and possibly represent you. Here are steps you can take to expedite the evaluation of your claim:

1. **GET YOUR PLAN DOCUMENTS:** You need two documents: your policy and a Summary Plan Description (SPD). You can get the policy from your insurance provider. You can obtain the SPD through your employer, if applicable. Just call and ask for them. If it's a policy you purchased, you generally will only have the policy and its attachments.
2. **READ YOUR PLAN DOCUMENTS:** This is important. Familiarize yourself with your documents. Although an attorney will review your documents, there is no reason that you should not read your own plan. These benefits are worth a lot; learn how they work.
3. **DOCUMENT YOUR MEDICAL HISTORY:** Your benefits depend on your medical history, which is documented in your medical records. It's important that you communicate your symptoms clearly and that your physician includes them in visit notes. To make a good record, try to keep a journal of symptoms so that you can recite them to your doctor at appointments.
4. **CONTACT ALRP:** You are now ready to consult with an attorney. Please contact ALRP at 415-701-1100. Leave a message on our general intake line with your name, contact information and a brief description of your issue. We will return your call promptly to discuss your matter.