

How Can I Prepare to File for Long-Term Disability Insurance?

Disability Benefits



Dear ALRP:

I am currently employed at Humongous Bank in San Francisco as a teller. My health has been in decline recently and I have been finding it more and more difficult to work full time. I have long-term disability insurance as part of my employee benefits package. My doctor has told me that I need to take a leave of absence, but I'm worried that I'll be denied disability coverage. If I file a claim for long-term disability insurance, what can I do to protect myself?

- Fatigued

Dear Fatigued:

If you are considering filing a claim for long-term disability insurance, you should talk to your doctor. Your doctor needs to be supportive of your decision to take a medical leave because the insurance company will request your medical records and may even contact your doctor for an interview about your medical condition. You also should make sure that your medical records accurately reflect the symptoms and conditions that you are experiencing that make it difficult or impossible for you to perform your job. It is advisable to write down the different symptoms and medication side effects you have been experiencing between doctor visits and ask your doctor to make a note of these symptoms in your medical record.

You also must take particular care to describe your symptoms in detail on your long-term disability application. Anyone living with an HIV or AIDS diagnosis knows that the symptoms associated with the disease and treatment can range from manageable to debilitating. It seems self-explanatory that symptoms and side effects can interfere with your ability to work effectively, but when applying for disability you need to be more specific. As an applicant, you have to demonstrate how your disability is directly affecting your ability to complete the specific tasks which comprise your job.

Disability applications often require you to think about the symptoms and conditions resulting from your HIV/AIDS diagnosis in a new light. When asked to describe how we are feeling, most of us are accustomed to minimizing the extent of medical complications. Talking about your symptoms might feel like you are being dramatic or complaining. However, for your application, it is important to articulate the severity of symptoms when you experience them at their *worst*. Also, the details of physical ailments are easy to forget or downplay when it comes time to talk to your doctor or fill out an application. The reality is that it is uncomfortable to disclose the details of one's disease to strangers. If the standard insurance forms do not provide enough space for you to describe your symptoms in detail, consider attaching a "disability

declaration.” This is a written statement that outlines exactly how your medical condition prevents you from working.

The following is an effective example of how to describe your symptoms and conditions in a disability declaration.

Sample Disability Declaration

My chronic AIDS-related fatigue is both severe and debilitating. I sleep nine to ten hours at night with two naps of two hours each day. I take naps each day after walking my dog and having breakfast. I must often cut my daily activities short because I am too exhausted to continue. My doctor has said that my fatigue may stem from my body's attempt to fight off infection or the side effects of my medications. As a result, I am unable to stay awake for more than a few hours at a time, which greatly limits my functionality and my ability to maintain my position as a teller at Big Bank. One time, I fell asleep during my lunch break and after waking was unable to concentrate enough to continue working for the remainder of the day.

As you can see, detailing your symptoms can be a time-consuming and unpleasant process. Nonetheless, having a record of how HIV negatively affects your quality of life will be invaluable going forward once you file for disability. Insurance company representatives may want to interview you to ask about your medical condition and writing down your symptoms in advance can help you prepare. The insurance company will send you forms to complete on a regular basis, and referring to your disability declaration is a time-effective way to complete these forms.

To sum up, the best way to ensure a strong long-term disability application is to have a supportive doctor, to maintain accurate and detailed medical records, and to provide the insurance company with a written account of exactly how your symptoms and conditions prevent you from working.

This Legal Q&A Guide was last revised in September 2011. It is intended to provide general legal information to people living with HIV/AIDS in California. However, because laws change frequently ALRP cannot ensure the complete accuracy of the information included. Please call ALRP at (415) 701-1100 to consult with an ALRP attorney about your legal rights in your particular situation.