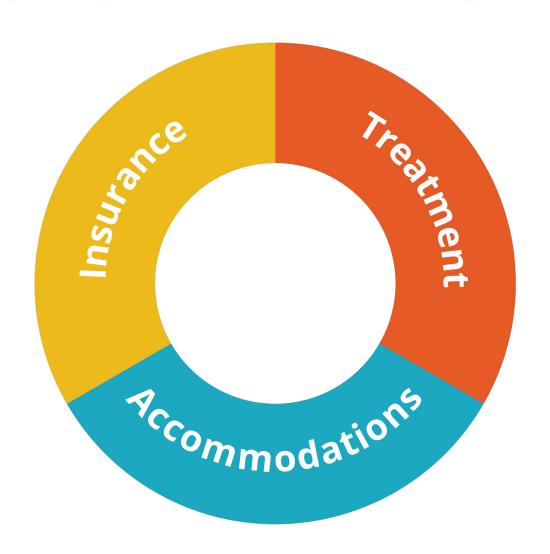
## IH and Disability: What You Need to Know



Nearly one in four adults will become disabled at some point before they reach retirement age.

Are you prepared?

### Managing the Challenges of IH





#### **Treatment**

- Start a journal
- Find a doctor that you trust
- Be vocal about your symptoms and response to treatment
- Be willing to try different treatments
- Ask for help
- Find a support group



#### Accommodations

#### The Americans with Disabilities Act, Title I (1990)

- Prohibits private employers, State and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training and other privileges of employment.
- An individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.



### Accommodations

- The ADA requires that employers make reasonable accommodation to the known physical or mental limitations of otherwise qualified individuals with disabilities, unless it results in undue hardship.
- A reasonable accommodation is any modification or adjustment to a job or the work environment that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions.
- Work with your employer to see if accommodations can be made which would potentially allow you to keep your job.
- Meanwhile, look into options for income replacement should you go out of work.



### **Types of Disability Insurance**



Short Term Disability



Long Term Disability



Social Security
Disability



### **Short Term Disability**

- Most often is an employer-sponsored plan.
- Private plans available.
- Replaces a portion of your paycheck for a short period of time.
- Typically comes with a short waiting period.
- Benefits usually last between three and six months.
- The benefit amount may be up to 60% of your income.





### **Long Term Disability**

- Most often is an employer sponsored plan.
- The employee may have the option of paying a premium for coverage.
- Private policies also available.
- Replaces a portion of your paycheck for a longer period of time.
- Each policy's definition of disability and terms will vary.
- Two types of policies:
  - Own occupation policy defines disability as the inability to work at your regular occupation
  - Any occupation policy defines disability as the inability to work at any occupation
- Own occupation policy is most common type of policy.
- Many policies adopt a hybrid of the two policies, which may include "own occupation" language for the first two years, and then change to the "any occupation" language.



### Long Term Disability Application Process

- Look at policy to determine definition of disability, waiting period, maximum duration of benefits.
- Fill out the application in its entirety.
- Talk to your doctor about your symptoms, response to treatment, and difficulty performing work duties. Your doctor will be asked to complete a form or write a statement regarding his or her opinion on your condition.



- All medical records relating to your condition will be requested.
- The insurance company may find that the evidence is insufficient and send you out for an Independent Medical Examination (IME).
- The insurance company may also employ the services of a Private Investigator to monitor your activities.
- A decision is made to approve, deny or request additional information.



## The Social Security Administration's Definition of Disability

The inability to engage in Substantial Gainful Activity (SGA) by reason of any physical or mental impairments which singly or in combination can be expected to result in death, or which has lasted, or could be expected to last, for at least 12 months and prevents past relevant work and other gainful employment given the individual's age, education and work experience.



### **Social Security Disability Process**

- Initial Application
  - Approximately 25-33% approval at this level.
  - May take three to eight months for a decision.
- Reconsideration
  - Some states do not have this step.
  - Approximately 7-10% approval at this level
  - May take one to six months for a decision.
- Request for Hearing
  - Live hearing with an Administrative Law Judge
  - Approximately 65% approval at this level.





### Long Term Disability vs. Social Security Disability



- Policy terms vary.
- Eligibility may be through employer or private policy.
- Waiting/elimination period is typically either 90 days or 120 days.
- Maximum duration of benefits vary, but may be up to retirement age.
- Pre-existing conditions may exclude you from coverage.
- You may need written proof of your disability from your treating physician to file a claim.
- Medical records review process.



#### **Social Security**

- Rules are Universal.
- Eligibility may be through payment of FICA taxes, Self-employment taxes or financial need.
- Waiting period is 5 months (DIB) or none (SSI).
- Maximum duration of benefits is up to retirement age.
- Pre-existing conditions acceptable.
- You do not need any proof of your disability to file a claim.
- Medical records review process.

## Long Term Disability vs. Social Security Disability



- Some conditions are excluded from coverage.
- Benefit amount is determined by your earnings at that particular job.
- Many policies *require* LTD benefit recipients to also apply for Social Security Disability.
- LTD benefits may be offset by Social Security Disability benefits.
- LTD benefits are available to workers.
- You could be eligible for LTD benefits and simultaneously *ineligible* for Social Security Disability benefits.



#### **Social Security**

- All conditions are considered for disability.
- Benefit amount is set (SSI) or is determined by an average of your lifetime earnings (DIB).
- There is no requirement to file for any other disability program.
- Social Security Disability benefits are available to workers (DIB), adults who have never worked (SSI) and children (SSI).

### How do I prove my disability?

- Documented support for the diagnosis
  - Medical records
  - Rule out other disorders
  - Sleep studies (MSLT, PSG)
- Medication/Treatment response
  - Report/document side effects
  - Report/document efficacy of treatment
- Physician Opinion Letters/Forms/Statements



### How do I prove that I am unable to work?

- Employment Records
  - Termination Letters
  - Attendance Records
  - Performance Evaluations, Disciplinary Warnings
  - Employer-generated forms to Department of Labor (Separation Notice)
- Vocational Rehabilitation Records
  - Work Readiness Assessments
- School Records
  - IEP/504 plans, Teacher Evaluations, Disciplinary Reports





### Stay

# Ise the to be far for all lenges that lie ahead, to maintain the healthiest lifestyle

possible, and to protect your family's future.

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