



Social Security Helps Those Affected by Disability

If you are unable to work due to disabling injury or illness, you should consider applying for Social Security Disability (SSD) benefits.

The possibility of becoming disabled is something that most people don't want to think about. Unfortunately, the realities of daily living increase the likelihood that you may become disabled at some point in your life. A study by the Social Security Administration (SSA) estimates that a 20-year-old worker has a one-in-four chance of becoming disabled before reaching retirement age.



As an added benefit, SSD recipients are eligible for Medicare after receiving disability benefits for 24 months.

To qualify for SSD benefits, you must have enough credits based on work history and Social Security tax payments. The number of credits needed to qualify depends on your age and how recently you stopped working.

If you have a disabling condition that keeps you

“When a serious illness or injury leaves an individual unable to work, there can be significant financial consequences. The purpose of SSD is to provide necessary financial support to someone who can no longer earn a living due to their disability,” Jeffrey Freedman, Managing Attorney, stated. “Many families are forced to rely on SSD benefits when the primary financial contributor is no longer able to work after a serious accident or debilitating diagnosis.”

SSD benefits are for people who become disabled and cannot work for 12 months or more. Benefits are also available to individuals with conditions that are terminal. If you qualify for SSD, you will receive a monthly check for as long as you are unable to work.

out of work for 12 months or more, it's advisable to apply for benefits as soon as possible. The process for obtaining SSD benefits is lengthy, and it takes anywhere from three to five months to receive a decision on your application. If you are approved, your first payment will be made for the sixth full month after the date the SSA determined your disability began.

Due to the complex nature of the SSD benefits process, it's advisable to contact a knowledgeable SSD attorney. The first step to take is to call Jeffrey Freedman Attorneys, PLLC. Our legal team can assist in the preparation of the application and make sure all of the necessary documentation is filed. Please contact us at 1-855-847-8969 for a free consultation.

IN THIS ISSUE

Insurers Continue to Sell More LTD Policies, Deny Benefits	2
Aging Veterans at Risk For Late Onset PTSD	3
Wall Collapse Highlights Construction Site Dangers	3
Accident in East Aurora Injures Drivers at Intersection	4
Study Finds Creditors Did Not Benefit From Bankruptcy Act	4

Insurers Continue to Sell More LTD Policies, Deny Benefits

Unum, an insurer who sells long-term disability (LTD) policies, saw an increase in their sales during the third quarter of 2013. Unum executives gave the assessment during a third quarter earnings call. Sales of LTD policies by Unum were up 8.9 percent. Unum also stated that other insurers were using lower prices to try and sell policies.

Despite the increase in sales and the availability of LTD policies, insurers may make it difficult for policyholders to collect LTD benefits. "Insurers don't like to pay long-term disability benefits because they can last until retirement. In cases where a worker is relatively young, an insurer may wind up paying LTD benefits for decades," said Jeffrey Freedman, Managing Attorney.

LTD policies are typically offered through an employer with the premiums paid for by an employee and/or their employer. If an employee becomes disabled and cannot work, LTD benefits are paid by the insurer to cover a portion of the employee's lost wages. LTD benefits typically pay 50-70 percent of the employee's salary if the employee becomes disabled.

LTD policies often have an "own occupation" clause built into the policies. This clause provides LTD benefits only if you cannot perform the duties of your current occupation. Benefits generally last 24 months under this clause. After 24 months,

the LTD policies typically depend upon an "any occupation" clause for ongoing benefits. An "any occupation" clause looks at the



employee's work history and/or capacity for vocational retraining. If there is another job they can perform (other than their current occupation), the insurance company may claim the employee can find another line of work.

Harry Forrest, an attorney in Buffalo, New York, who handles disability cases and who assists our firm in these cases notes that, "Many times, if an employee is determined to be disabled and qualifies for LTD benefits, the insurer will pay benefits for 24 months. After the 24 months, the insurer will reassess the employee's claim using the "any occupation" clause in an effort to determine that the employee can find another line of work and cut off future benefits. This can pose a significant hurdle

for the client to secure ongoing benefits without the assistance of an attorney."

If an employee is denied benefits under an employer-sponsored LTD policy, they must appeal directly to the insurer. Generally, there are two rounds of appeals to the insurer, and only after benefits are denied in appeal(s) to the insurer may an employee file a claim in Federal Court to further appeal the denial of the benefits.

"It's important to have your doctor's support during any appeal. Medical records will be crucial to prove an individual is disabled. If a claimant is missing any information or does not have proper documentation, it will be that much easier for the insurance company to deny benefits," Freedman said.

In addition, insurers who issue LTD policies often encourage claimants to apply for Social Security Disability benefits. However, this is not always to a claimant's advantage. Any amount received from Social Security will be offset or deducted from the LTD benefits. The same goes for any workers' compensation benefits the employee may be receiving.

"Insurance companies are in the business of saving money. If they can deny benefits in an LTD case, they will. If a claimant has been denied, it may be advisable to consult an attorney knowledgeable in LTD cases," Freedman said.



Questions?

As a client, you can be assured that your case will receive special care and consideration. That means providing you with the most up-to-date legal advice. It also means taking time to fully explain the legal procedures we recommend, including all the options available to you.

Schedule your Free Consultation today. Contact us toll-free at: 1-855-847-8969

Aging Veterans at Risk For Late Onset PTSD

Post-traumatic Stress Disorder (PTSD) is often associated with veterans who have just returned home from military service. However, some veterans experience symptoms of PTSD years after their military service has ended.

According to the National Center for PTSD, some veterans who served as long as 50 years ago still experience symptoms. These symptoms may include:

- Difficulty sleeping or having nightmares
- Feelings of re-living the traumatic event
- Depression
- Anxiety
- Being easily startled

"Veterans who are experiencing symptoms of PTSD should seek treatment from a medical professional for their symptoms. PTSD can affect a veteran's ability to work and function in everyday life." Jeffrey Freedman, Managing Attorney, said. "A veteran whose PTSD is related to their time in the service can collect VA



disability benefits, even if they served ten, twenty, or thirty years ago. There is no time limit on when a veteran can apply for benefits."

According to the PTSD Center, older veterans may experience PTSD later in life for a number of reasons, including:

- Retirement - A retired veteran may have less to do and more time to think about their memories.

- Illness - Experiencing medical problems that cause people not to feel as strong as they used to be.
- Current Events - Seeing bad news and news of current wars on television can trigger PTSD.

Recognizing PTSD in older veterans is important, as our veteran population continues to age. For example, the average Vietnam veteran is 65 years old, according to data from the National Center for Veterans Analysis and Statistics.

"Veterans who have coped with their traumatic experiences for most of their lives may experience PTSD later in life when they reflect back on their military experience," Freedman reflected. "It's important for veterans to seek help if they are experiencing symptoms of PTSD. Older veterans should be aware that symptoms can still affect them years after they have served."

Wall Collapse Highlights Construction Site Dangers

The dangers of working on a construction site are numerous. Workers are at risk from being injured by falls, being crushed by heavy equipment, or in a recent accident, collapsing walls. The dangers of working on a construction site became evident when one worker was killed and two more were injured in an accident that took place on December 4, 2013.

As reported by *The Buffalo News*, Timothy Lang, 53, of Saugerties, New York was killed when a retaining wall at a construction site in the Village of Maybrook collapsed. Two other men were injured in the collapse. Scott Winkler, 50, of Monroe, and Rafael Zakota, 37, of Queens were treated

for injuries. The wood and concrete retaining wall collapsed while concrete was being poured.

Construction remains a hazardous occupation. The Occupational Health and Safety Administration (OSHA) reports that nearly 20 percent of worksite fatalities nationwide in 2012 were in the construction industry. OSHA also indicates there were nearly 12 fatalities a day in the workplace during 2012.

"When safety standards are not followed, tragic results can occur on a construction site. In fighting for our personal injury and workers' compensation clients, we have seen the life-long injuries and

suffering that construction accidents cause," said, Jeffrey Freedman, Managing Attorney. "A worker hurt on the job site is eligible for workers' compensation benefits. Depending on the circumstances of the injury, the property owner or non-employer general contractor may also be liable. This can be important if workers' compensation benefits will not cover all your medical expenses and lost wages."

Representatives from OSHA have indicated an investigation into the accident has begun. If it is determined that violations are found, the employer may be cited and fined.

Accident in East Aurora Injures Drivers at Intersection

Two people were injured in an accident on November 29, 2013, at 12:45 p.m. at the intersection of Davis and Jewett-Holmwood Road. As reported in The Buffalo News, the collision took place when the driver of a minivan failed to stop at a stop sign and collided with a full-sized van.

The East Aurora Police reported that the driver of the full-sized van was transported to Erie County Medical Center (ECMC) by Mercy Flight. The driver of the minivan did not sustain serious injuries. A man in a wheelchair (the driver's passenger) was taken to ECMC by ambulance. His injuries are also not believed to be serious.

The New York State Department of Motor Vehicles (DMV) reported over 10,000 accidents in 2012 where traffic controls were disregarded. These accidents result-

ed in 68 fatalities and over 6,500 injuries.

"When traffic controls, such as stop signs and red lights, are disregarded, the results can be tragic. The accident reported here could have been prevented had the driver taken the time to pay attention to the stop sign. Now all parties have to contend with injuries caused by the accident," Jeffrey Freedman, Managing Attorney, said. "The results of these types of accidents lead to physical and emotional pain, legal costs, and possibly charges brought by the police. We would advise anyone who is seriously injured in a crash to consider consulting a personal injury attorney."

Police have not released the names of the parties involved in the accident. Both vehicles sustained heavy damage.



The East Aurora police indicated that the driver of the minivan was cited for failing to obey the stop sign.

Contact Us

Providing excellence in legal services has been a top priority at Jeffrey Freedman Attorneys, PLLC since our firm was founded in 1980. Our commitment to the highest professional and ethical standards is the foundation for the services we provide.

**Jeffrey
Freedman**
Attorneys, PLLC SM

Administrative Offices

424 Main Street, Suite 622
Buffalo, NY 14202

3445 Winton Place, Suite 202,
Henrietta, NY 14623

1-855-847-8969

info@jeffreymfreedman.com

www.JeffreyFreedman.com

Study Finds Creditors Did Not Benefit From Bankruptcy Act

A study funded by the American Bankruptcy Institute (ABI) found that creditors have not seen the benefits that were proposed in the Bankruptcy Reform Act of 2005. The Bankruptcy Act was designed



to restrict access to Chapter 7 bankruptcies, where debts are discharged and creditors get nothing. The goal of the Act, was to push debtors towards Chapter 13 bankruptcy, where

debts are paid back over a period of years.

"The banks and credit card companies lobbied to have the Bankruptcy Act passed at the expense of struggling consumers," Jeffrey Freedman, Managing Attorney, said.

The study found that recoveries by unsecured creditors fell for both Chapter 7 and Chapter 13 bankruptcies since the 2005 Act was passed. In addition, the cost to file both Chapter 7 and Chapter 13 bankruptcies rose by an average of 51 percent.

The Legal Report is a publication of Jeffrey Freedman Attorneys, PLLC. Its contents are intended for general informational purposes only and should not be construed as legal advice or legal opinion on any specific facts or circumstances. Information contained in The Legal Report may be inappropriate to your particular facts or situation. Please consult an attorney for specific advice applicable to your situation. Jeffrey Freedman Attorneys, PLLC is not responsible for inadvertent errors in this publication. Past results do not guarantee a similar outcome. The majority of decisions won were Social Security Disability & SSI. Workers Compensation, Veterans Disability, Long Term Disability and Discrimination matters may be performed in conjunction with or apart from those legal professionals at Jeffrey Freedman Attorneys, PLLC. Some images shown are stock photographs.