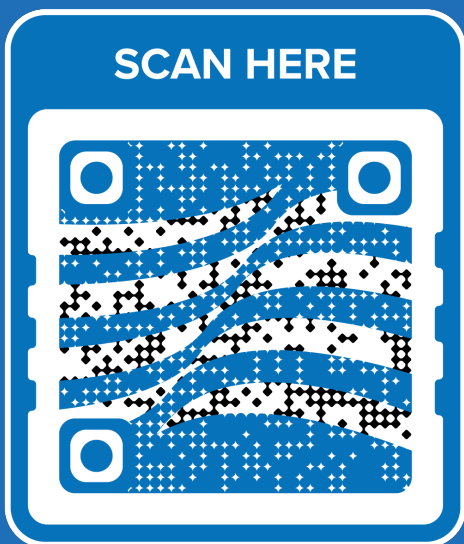


We help with **all legal matters**, including but not limited to:

- **Workers' Compensation**
- **Social Security Disability**
- **Long - Term Disability**
- **Short - Term Disability**



**OFFICES IN PENNSYLVANIA,
NEW JERSEY, AND NATIONWIDE.**

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A GUIDE TO

Long-Term Disability

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BILLIONS of dollars for
our clients.



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Short Term Disability (STD) and Long-Term Disability (LTD) benefits are from an insurance policy that you may have paid for on your own or through your employer as part of their benefits package. These benefits are designed to compensate you if you cannot perform the material and substantial duties of your regular occupation. Out of every paycheck, you pay premiums to the insurance company to insure you for these benefits.

IT IS NOT A HANDOUT OR A WELFARE PROGRAM.

It is a contract that you made with the insurance company to protect you and your family if you can no longer perform the duties of your regular occupation.

When you cannot work, you must determine how you purchased the insurance. Did you obtain the insurance through your employer as part of your benefits package or did you buy the insurance on your own through an insurance broker. How the insurance was obtained makes all the difference in the world.

POLICY THROUGH YOUR EMPLOYER

If you purchased the insurance through your employer, then your claim is governed by a federal statute known as the Employee Retirement Income Security Act (ERISA). ERISA preempts any state law that is designed to

protect people from insurance companies. In an ERISA disability claim, the Insurance Company's decision is given deference, which means if they deny your claim, then the Court will have to accept that denial unless we can show that their decision was arbitrary and capricious. The arbitrary and capricious standard is very difficult, and we must prove to a Judge that the insurance company's decision was without a reasonable basis.

POLICY PURCHASED ON YOUR OWN THROUGH AN INSURANCE BROKER

If you purchased the disability insurance on your own, then ERISA does not apply, and you may be able to file a lawsuit against your insurance company and allege that they have engaged in bad faith. A bad faith claim could allow you to receive punitive damages against the insurance company.

You will also have the right to a jury trial where you will be able to argue that your insurance company breached its contract with you.

AN ERISA DISABILITY CLAIM

Most people have long term and short-term disability benefits through their employer. As a consequence, ERISA governs most short term and long-term disability claims.

WHAT TO EXPECT?

1) To begin the process, you must request an application from your Human Resources Department. It is important to have them involved early on with your claim because they will be required to complete a page of the application. You will also need to have your treating doctor complete a section of the application.

2) Once the application is submitted to the insurance company, the insurance company will have 45 days to render a decision on your application. ERISA does afford the Insurance Company an additional 45 days to review your information if they reasonably require the extension. Your insurance company may prove difficult to deal with. You may not be able to reach your claims handler. You may fax documents to them, and they will say they never received the documents. We are here to help you at the application phase if you feel you are not being treated appropriately.

3) If your claim is denied, please read your denial letter. The letter will tell you how long you must file an appeal. Usually, you have 180 days to file an appeal, but your insurance policy may have a smaller window to appeal. Our office specializes in assisting disabled individuals with their appeals with their insurance company.

DO NOT HANDLE THE APPEAL ON YOUR OWN AND DO NOT FILE AN IMMEDIATE APPEAL AFTER YOU RECEIVE YOUR DENIAL.

The Insurance Company will serve as the judge and jury of their own decision when you file an appeal. Pond Lehocky Giordano is here to guide you through this process. We are here to build the administrative record that will prove your disability claim. We will work with the insurance company to ensure that the insurance company issues a prompt decision. It is vitally important that you have an attorney represent you on your appeal because that is your last opportunity to submit evidence in support of your claim.

4) If you have exhausted your Administrative Appeals with your Insurance Company, then you will have the right to file a suit against the Insurance Company. Pond Lehocky Giordano has extensive experience filing federal lawsuits to request review of an Insurance Company's denial. Please contact us if you have received a denial of your short term and long-term disability claim. You only have a certain time frame to file your lawsuit.

COMMON DISABILITIES:

- Back, neck and/or neck pain
- Hip, Knee or Hand dysfunction
- Arthritis
- Fibromyalgia
- Diabetes and its affects on your body
- Anxiety/Depression
- Cancer
- Headaches
- Lupus
- Multiple Sclerosis
- Parkinson's Disease

COMMON REASONS FOR BEING DENIED:

The Insurance Company said:

- They did not receive the information they needed to review your claim
- Your condition was a pre-existing condition, which is a condition that existed prior to the time when you became insured for LTD benefits
- You can still perform the material duties of your regular occupation
- After 24 months of disability, your burden of proof changes from whether you can perform your regular occupation to whether you can perform the material duties of other occupations.

Pond Lehocky Giordano is prepared to assist you with any issue you have with your Insurance Company.

HOW CAN I AFFORD TO PAY FOR AN ATTORNEY?

There is no fee unless we win or settle your case. If we do win, then Pond Lehocky Giordano will receive 1/3 of your benefit. We are your partner in your claim. We will fight to keep you receiving your benefits.

IS THE INSURANCE COMPANY TELLING YOU THAT YOU MUST FILE FOR SOCIAL SECURITY DISABILITY BENEFITS?

You are contractually obligated to file a claim for Social Security Disability Benefits. Pond Lehocky Giordano has been a leader

in the field of Social Security Disability Law for over a decade. We are specifically able to assist you with your Social Security Disability Claim in conjunction with your Long-Term Disability Claim.

PLEASE BE ADVISED THAT IF YOU ARE AWARDED SOCIAL SECURITY DISABILITY BENEFITS AFTER YOU RECEIVED LONG TERM DISABILITY BENEFITS, THEN DO NOT SPEND YOUR PAST DUE SOCIAL SECURITY DISABILITY BENEFITS. YOU WILL BE REQUIRED TO PAY THAT MONEY BACK TO YOUR LONG-TERM DISABILITY CARRIER.

Call us to find out if you are eligible today!

WHY POND LEHOCKY GIORDANO?

We have represented disabled individuals for two decades. Our Long-Term Disability Department is managed by our **Partner, Michael J. Parker, Esquire**, who has been representing disabled Americans since 2004. Attorney Parker is a zealous advocate who knows how to prove a disability claim and works diligently with the Insurance Company to get you compensated even if your claim has been denied. Our Long-Term Disability Department has a team dedicated to assisting you in every phase of your Disability Claim. You deserve the best team to assist you with your claim and we are confident that we can assist you.

Convenient Office Locations

Main Offices:

One Commerce Square
2005 Market Street, 18th Floor
Philadelphia, PA 19103

Pine Professional Building
11269 Perry Highway
Suite 420
Wexford, PA 15090

Additional Offices:

Northeast Philadelphia, PA
Harrisburg, PA
Pennsauken, NJ



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