

## NELA NY ERISA LTD Screening Tool

The ERISA LTD attorneys at Riemer Hess, LLC designed this questionnaire to help our fellow NELA/NY members and other employment law practitioners quickly and easily spot their client's ERISA long term disability issues.

This tool will help screen your clients for these issues and help you guide them through potential obstacles.

1. Do you have a short term disability and/or long term disability insurance policy provided by your employer?
  - **If Yes or No:** Proceed to Question #2
2. Do you have a private disability insurance policy?
  - **If No to Questions 1 and 2:** You do not have coverage under a disability insurance policy. If you are unable to continue working due to an accident or medical condition, you may wish to consult with an attorney regarding your rights under the Family Medical Leave Act (FMLA), state disability insurance programs, and/or the Social Security Disability Insurance Program.
  - **If Yes to Questions 1 or 2:** Proceed to Question #3
3. Are you currently working?
  - **If Yes:** Proceed to Question #4
  - **If No:** Proceed to Question #9
4. Are you currently working with an ADA accommodation?
  - **If Yes:** Proceed to Question #5
  - **If No:** Proceed to Question #7
5. Are you currently able to continue performing all of the duties of your occupation with your ADA accommodation?
  - **If Yes:** Proceed to Question #6

- **If No:** If you are unable to continue performing all of the duties of your occupation with your ADA accommodation you should speak with an ERISA disability attorney because you may be entitled to substantial benefits under your short term disability and/or long term disability insurance policies.
6. In the next 6 months, do you expect that you can continue performing all of the duties of your occupation with your ADA accommodation?
- **If Yes:** You likely do not need to speak with an ERISA disability attorney at this time because you are currently able to perform all of the duties of your occupation with your ADA accommodation.
  - **If No:** If you do not expect that you can continue performing all of the duties of your occupation with your ADA accommodation over the next 6 months, you should speak with an ERISA disability attorney. This attorney can provide you with additional information regarding how to qualify for and apply for short term disability and/or long term disability insurance benefits.
7. Are you currently able to continue performing all of the duties of your occupation?
- **If Yes:** Proceed to Question #8
  - **If No:** If you are not currently able to continue performing all of the duties of your occupation you should speak with an ERISA disability attorney because you may be entitled to substantial benefits under your short term disability and/or long term disability insurance policies.
8. In the next 6 months, do you expect that you can continue performing all of the duties of your occupation?
- **If Yes:** You likely do not need to speak with an ERISA disability attorney at this time because you are currently able to perform all of the duties of your occupation.
  - **If No:** If you do not expect that you can continue performing all of the duties of your occupation over the next 6 months, you should speak with

an ERISA disability attorney. This attorney can provide you with additional information regarding how to qualify for and apply for short term disability and/or long term disability insurance benefits.

9. Did you file a claim for short term and/or long term disability benefits?

- **If Yes:** Proceed to Question #10
- **If No:** You should speak with an ERISA disability attorney as soon as possible because you may be entitled to substantial benefits under your short term disability and/or long term disability insurance policies and failure to timely file a claim can result in a waiver of these benefits.

10. Did the insurance company approve the claim and begin paying benefits?

- **If Yes:** Although the insurance company approved your claim for benefits, you should consider speaking with an ERISA disability attorney at this time. After the approval of benefits, insurance companies will ask for regular updates regarding your medical condition and other information. Insurance companies may also have you examined by their doctors or interviewed by an investigator. An ERISA disability insurance attorney can advise you of your rights and ensure the ongoing payment of benefits during the life of your claim.
- **If No:** Proceed to Question #11

11. Did you file an appeal of the denial of benefits with the insurance company?

- **If Yes:** Proceed to Question #12
- **If No:** You should speak with an ERISA disability attorney as soon as possible because you may still be entitled to substantial benefits under your short term disability and/or long term disability insurance policies and failure to timely appeal a denial can result in a waiver of these benefits.

12. Did the insurance company approve benefits following your appeal?

- **If Yes:** Although the insurance company approved your claim for benefits, you should consider speaking with an ERISA disability attorney at this time. After the approval of benefits, insurance companies will ask for

regular updates regarding your medical condition and other information. Insurance companies may also have you examined by their doctors or interviewed by an investigator. An ERISA disability insurance attorney can advise you of your rights and ensure the ongoing payment of benefits during the life of your claim.

- **If No:** You should speak with an ERISA disability attorney as soon as possible because you may still be entitled to substantial benefits under your short term disability and/or long term disability insurance policies and failure to timely appeal a denial can result in a waiver of these benefits.

Riemer Hess is committed to educating the public and other legal professionals about the long term disability claim process. If you believe your client may have a potential LTD claim, let us know. We're here to help and are happy to talk. **Call us at (212) 297-0700 or email us at [nbinns@riemerhess.com](mailto:nbinns@riemerhess.com).**