

DI Claim FAQ's



Claims Management Services
888-275-7473

THE UNEMPLOYED CLAIMANT

**By Jeffrey A. Yeager, ALHC, FLMI
Vice President, Claims Management Services
Berkshire Life Insurance Company of America**

Periodically, a claim will be presented where the claimant has been unemployed for some period before the onset of claim. In such instances, we have a good faith duty to fully investigate and evaluate the circumstances of such unemployment and to fairly incorporate the results into our claims decision.

Examples of unemployment include, but are not limited to, retirement, job loss, change of job/career, sabbatical, loss of license, legal difficulties, and public censure. The mere fact that a claimant was unemployed at claim onset is insufficient basis to form a claim decision from an occupational viewpoint. In evaluating such a claim, care is utilized to achieve a fair and balanced understanding of the claimant's occupational status and activities by which medical impairment is measured.

Most disability contracts issued consider occupation immediately preceding disability onset as the standard by which subsequent medical impairment is measured. The period immediately preceding claim onset is not a measurement of a specific time period (i.e., one day, one week, one month, or one year). Rather, it is a full appreciation of the claimant's activities and unique circumstances that must be factored on a case-by-case

basis. The intent of the disability contract as sold is to provide a benefit should the client become disabled from working in his or her occupation. In instances where the client has voluntarily or involuntarily ceased working in his or her occupation, care will be given to ensure a full investigation and evaluation of all facts and circumstances as well as fair and reasonable application of policy provisions.

The outcome of claim evaluations involving unemployed persons is not predictable. There will be occasions where liability exists, and others where liability does not exist.

In all cases, we will evaluate each claim in a thorough and professional manner, and the individual circumstances of each claim will be appropriately considered. Since the climate surrounding the treatment of unemployed claimants is prone to regulatory and judicial change, so too is the company's position as circumstances develop. In each instance, be assured that we are committed to an equitable treatment of policyholders finding themselves in these circumstances.

May, 2003

Disclaimer: This is a general policy statement. Any contract citations are intended only to help identify governing provisions—they are not meant to be all inclusive of all contract language that might apply in the evaluation of a similar scenario in an actual claim situation. As with all hypothetical situations, all facts and circumstances that might influence the discussion are not known and the discussion is therefore incomplete. All claims are evaluated on a case by case basis and such evaluations are based on the facts and circumstances that are unique to each. Please consult your actual policy for the terms and provisions that apply.