

# ONA WINS



SUMMARY OF ANOTHER SUCCESS AS YOUR UNION STRIVES TO IMPROVE YOUR WORKING CONDITIONS

## Carriers must apply realistic standards of employability

### Hospital

A member suffering with multiple diagnoses, including chronic fatigue, fibromyalgia, degenerative disc disease, GERD, hypotension and arthritis, was approved for long-term disability benefits for the “own occupation” period.

When she was required to be disabled from “any occupation” under the policy, the carrier terminated her benefits on the grounds that she did not meet the requirements for entitlement under the definition of disability from “any occupation.” In particular, they believed that she could do sedentary work, based on the results of a “Transferrable Skills Analysis.”

Medical evidence indicated that this member suffered significant pain throughout the day, and would only be able to work for very short periods of time (under 30 minutes) without aggravating her condition; this made her re-employability options almost nil.

The insurer allowed the appeal and reinstated benefits retroactively, alleviating the member’s significant financial hardship.

**Importance to ONA:** Carriers must apply realistic standards of employability in “other gainful occupations” in light of members’ ability to perform their duties with any regularity.

*(Front Lines, January 2015 edition)*