



Insurer suggests ONA member can become a Disability Claims Specialist as an alternative occupation – ONA wins appeal

Workplace: Hospital

The Issue

An ONA member employed at a hospital had been absent from work since February 2014 due to complications from knee replacement surgery. While waiting for a second surgery, the insurer denied the member's ongoing benefits entitlements noting that there were apparently alternative jobs that the member could perform.

How ONA helped

As part of this appeal, ONA staff reviewed the member's case file and noted that the member's physician clearly stated that the member could not work. The physician went on to say that "perhaps" the member could work in several months into the future. In fact, the insurer's own rehabilitation specialist noted that the member could not work because she had to use a crutch to walk. In addition, the employer had also written to the insurer and questioned its decision, asking the insurer if it had truly read the member's file.

The insurer absurdly suggested that – as an alternative occupation – the member could become a Disability Claims Specialist, an occupation in which the member has no knowledge or possesses any such job requirements.

The result

ONA's appeal was successful – the member received a retroactive payment of more than \$24,500 and monthly payments of just under \$5,000.

Significance

This win is significant because the employer advocated on behalf of the member, which can be a very positive development. In addition, the insurer based its denial on one line in the doctor's report while basically ignoring the rest of the details. Finally, the insurer relied on alternative occupations that were not supportive or appropriate for the member.

(Produced September 2016)