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COMMON LIMITATIONS ON BENEFITS IN LONG TERM DISABILITY INSURANCE POLICIES

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Many group insurance policies for Long Term Disability (LTD) benefits, also referred to as “Plan Documents” under ERISA (the Employee Retirement Income Security Act), contain provisions for limitations on benefit payments for disabilities based on certain conditions. This means that although these policies normally pay benefits for disability to work up to age 65, if your disability falls into a specific category, benefits are limited to a maximum period of time, often 24 months, which may be drastically less protection than the ill employee and his or her family expected.

Each plan or policy must be carefully read. However, many LTD plan documents contain a 24 month limitation if the disability is caused by an emotional or mental illness. Sometimes this limitation does not apply to specific, identified, conditions such as schizophrenia, bipolar disorder, dementia, or organic brain disease. Some policies further limit benefits for other disabling conditions that are based on “self-reported” symptoms, and include in this category fibromyalgia and chronic fatigue syndrome, among other illnesses. Policies may also contain restrictions on paying benefits for disabilities resulting from alcohol, drug or substance abuse or dependency. In this circumstance, benefits may be limited to either 24 months of benefits or when the claimant stops appropriate treatment, whichever comes first.

LTD policies also usually exclude disabilities caused by certain acts such as (1) war or any act of war; (2) intentionally self-inflicted injury, while sane or insane; or (3) taking part in or the result of taking part in committing an assault or felony. LTD benefits will not be paid at all for disabilities resulting from any of these circumstances.

It is very important to read your LTD policy carefully **prior** to applying for LTD benefits. Andalman & Flynn recommends that you consult an attorney experienced in disability benefits law before you apply for benefits. If Andalman & Flynn, P.C. can be of assistance to you, please call us at (301) 563-6685 or email ahausner@a-f.net.

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