



IS THERE SUCH A THING AS A “SLAM DUNK” DISABILITY CASE?

If You and Your Employer and Your Doctor Agree that You Are too Disabled to Work, is Your Disability Claim a Done Deal?

by Ben Glass

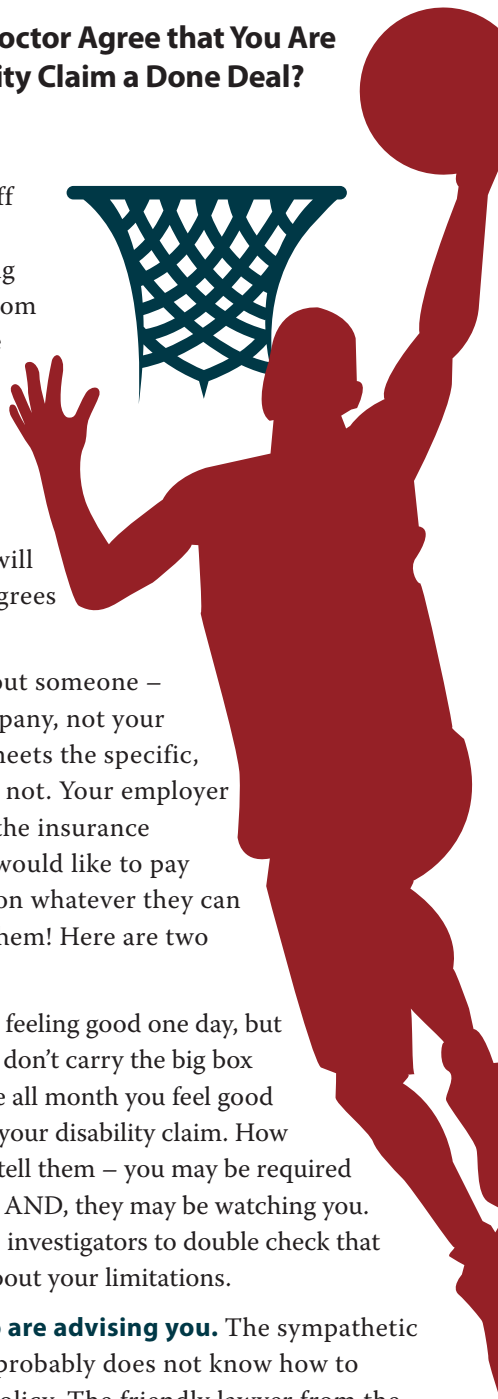
You were injured on the job – say you fell off a ladder and hit your head and injured your back. You were hospitalized and spent a long time in rehab. You are better now, but far from all better, and very far from where you were before you fell. In fact, you aren't able to return to work. Your doctor agrees. When you consult your employer, your employer agrees. This is why long-term disability insurance, which may be provided by your employer, exists, and so you file a claim. It will be a slam-dunk, right? After all, everyone agrees you are too disabled to work.

Well, maybe, but maybe not. You forgot about someone – the insurance company. The insurance company, not your employer, decides whether your disability meets the specific, legal definition set forth in your policy – or not. Your employer may feel very sympathetic toward you, but the insurance company has no such warm feelings. They would like to pay you as little as possible, and they will seize on whatever they can to deny your claim. Don't make it easy for them! Here are two important things to keep in mind:

1. Follow your doctor's orders. If you are feeling good one day, but your doctor told you not to lift heavy objects, don't carry the big box of books to the car. Even if that's the only time all month you feel good enough to lift something like that, it can sink your disability claim. How will the insurer know? Well, you may have to tell them – you may be required to fill out an activity log as part of your claim. AND, they may be watching you. Insurers do this all the time. They hire private investigators to double check that you truly are disabled and are being honest about your limitations.

2. Understand the role of the people who are advising you. The sympathetic guy in your Human Resources department probably does not know how to interpret all the legalese in your disability policy. The friendly lawyer from the insurance company works for them, not for you – same with any outside attorney

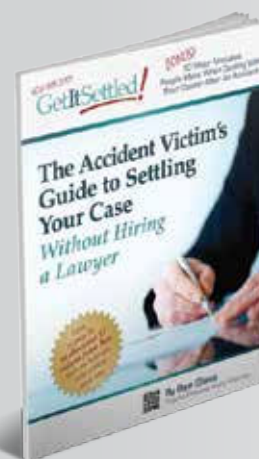
—continued on page 2



In this issue...

- **Page 2** Letters to the Editor
- **Page 2** BGL's Best Bites:
Tender, Juicy Chicken Breasts
- **Page 4** Congratulations to
Caitlin Glass and Her Fiancé
Seth on Their Engagement

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—continued from page 4

Congratulations to Caitlin Glass & Her Fiancé Seth on Their Engagement

Tell us a little about your church and the focus of your ministry.

Zion's is a young, growing congregation east of Harrisburg, PA, that seeks to reflect Christ by sharing God's gifts in our local community and beyond. In the past decade, we started a preschool to meet a need in the community, and began a Wednesday night worship service called "Joyful Spirits" specifically aimed at welcoming individuals with disabilities and their families. This worship service has grown over the years and now Wednesday nights include a community meal, worship, children's activities and adult Bible study.

We also have a Lego ministry (the young and young at heart build Lego scenes to complement scripture stories during Lent and Advent), enjoy mission trips, encourage people of all ages to participate in leading worship, sponsor job and health fairs each spring, and host fitness classes throughout the week. We seek to be an invitational community where everyone can find a place to belong, serve, learn, and grow as disciples of Christ.

Is there anything you'd like to say to the readers of the BenGlassLaw newsletter?

Seth's favorite BenGlassLaw recipe is Cowboy Caviar!

On behalf of the firm and the BenGlassLaw newsletter readership, a special thanks and a big congratulations to Caitlin and Seth on their engagement. ■

—continued from page 1

Is There Such a Thing As a "Slam Dunk" Disability Case?

she recommends to you. And would you even recognize the private investigator? Could he be the guy who was asking you about your back injury while waiting in line at the grocery store?

These two factors are important, but there is much more involved in filing a successful disability claim. Protect yourself. There are some legal situations you can handle yourself, but the stakes are too high here and this is not one of them. Even if your case seems like a slam dunk, talk to a lawyer YOU find yourself and whom you trust to have YOUR back. You may have just one shot at this, so make sure you give yourself every advantage.

For more information about long-term disability cases, call our office to receive a free copy of my book *Robbery Without a Gun: Why Your Employer's Long-Term Disability Policy may be a Sham*. It is full of useful information about long-term disability cases and what it takes to win a disability case. ■

Letters to the Editor

James P. writes:

Ben,

Great newsletter! I especially enjoyed the "Thoughts for the Season" which brought back a number of fond memories of the Sears Wishbook Catalog, soccer tourneys, trips to Grandma's, etc. Also, I am already practicing all 6 of the points you made in the latter half of the piece. Just wanted you to know!

Declan L. writes:

Ben,

I just read your newsletter cover to cover and I have to say I really enjoyed it. I could really relate to your article on your family traditions. In fact, yesterday my family (minus my high schooler who was knee deep writing a term paper on Jim Crow laws) went on our annual trek to cut down our Christmas tree. We went to one place in Montgomery County that looked like it had less supply of trees than the woods behind my house—plus, they would not let us have our dog walk with us on a leash. So we ended up in Frederick, Maryland, at what turned out to be a great tree farm and did eventually find a tree.

On the ride home, the tree started to fall off the car (so much for the \$5 tip I gave the guy at the farm), but we got it retied and made it home. Stressful day no doubt, but I suspect in the lens a decade or two from now, our kids will remember it in a much more positive light than right now. Thanks for including me on the list for your newsletter.



We love getting responses to the newsletter. Want to comment on an article? Email staff@benglasslaw.com ■

BGL's Best Bites:

TENDER, JUICY CHICKEN BREASTS

Tired of Dry Chicken?

This Method is EASY and Guarantees Moist, Flavorful Chicken Breasts in 22 Minutes.

For those of you trying to cut calories this new year, boneless, skinless chicken breasts are a great way to get lean protein. The problem is, many chicken breasts come out dry and bland. This low-maintenance "poaching" method cooks chicken perfectly in 22 minutes, and all you really need is a wide pan with a lid, some spices, and some olive oil.

Try it out!

Directions:

- 1 Flatten Out the Chicken Breasts.** Any time you cook boneless chicken, you need to pound the chicken flat so that it will cook evenly. You can use a meat tenderizer or the bottom of a mason jar. As always, make sure anything that comes in contact with raw chicken goes straight to the wash without touching anything.
- 2 Add ANY Dry Rub of Your Choice.** This method does not require an egg wash or some other way to adhere the spices. Just pat your favorite spice rub onto the chicken and it's good to go. For this example, we've used some off-the-rack spice blends: Tony Chachere's Creole Seasoning on one chicken breast and Weber's Beer Can Chicken on another. It really works with any dry spice mixture you want.
- 3 Heat Olive Oil over Medium-High Heat in a Wide Pan with a Lid.**
- 4 Once the oil is hot enough, Sauté the Chicken for 1 Minute** until you see the chicken change color on the bottom from raw to yellow-white. **Flip the Chicken and Sauté for 1 More Minute** on the other side.
- 5 Once you have sautéed the chicken for one minute on each side, Place Your Lid on the Pan and Set the Burner to LOW.** You will let the chicken simmer on low with the lid on for **10 minutes**. Above all, do not lift the lid! You gotta trust us on this one. The chicken will steam up the pan and slowly cook itself through.
- 6 After 10 minutes have passed, Turn the Burner to OFF and Let it Sit for 10 More Minutes** in its own steam. Remember: don't lift the lid! This finishes the cooking process.
- 7 After 10 minutes on LOW (step 5) and 10 minutes on OFF (step 6), your chicken is ready!** Lift the lid and see that beautiful billow of steam rise out of the pan. You now have moist, flavorful chicken ready to use on a salad or for dinner.

Enjoy!



Reminder About Our Firm's Communication Policy

Our promise to you is that while we are working on your case, we don't take inbound phone calls, faxes or emails. Ben Glass takes no inbound unscheduled phone calls whatsoever. It makes him much more productive and helps get your case resolved faster. You can always call the office at 703-544-7876, and schedule an in-person or phone appointment, usually within 24-48 hours. This is a lot better than the endless game of "phone tag" played by most businesses today. Remember, too, that email is "quick," but is checked no more than twice a day. Replies are then scheduled into the calendar. So if it's really important, don't email—call the office instead.

This publication is intended to educate the general public about personal injury, medical malpractice, and small business issues. It is not intended to be legal advice. Every case is different. The information in this newsletter may be freely copied and distributed as long as the newsletter is copied in its entirety.

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Inside This Issue...

- » Is There Such a Thing As a "Slam Dunk" Disability Case?
- » BGL's Best Bites: Tender, Juicy Chicken Breast
- » Could You Pay a \$1 Million Claim if Your Dog Killed Somebody?
- » Why Goal Setting is Overrated
- » And more...

Congratulations to Caitlin Glass and Her Fiancé Seth Kurtz on Their Engagement

With nine kids in the Glass family, we could fill the newsletter every month with family news. Instead, we try to save it for really big moments and this is one of them. Caitlin Glass, a Lutheran pastor in Pennsylvania, has just announced her engagement. We reached out to Caitlin and she was kind enough to give an exclusive interview for our readers.

How did you meet your fiancé?

Seth and I were matched by eHarmony! After a couple of mediocre (and some downright weird) dates with other online matches, we were matched at a distance (when we were dating, we were about two hours apart), but after we actually met each other for the first time (a six-hour date), we both knew this was the start of something different and wonderful. We did the distance thing for a while, until I accepted my new call in Jonestown, which cut our distance in half.

What does Seth do for a living?

Seth has a degree and 16 years of experience in landscape design and horticulture. Three years ago, he joined the Navy (he's a Seabee) and became a steel worker/welder. That opened a new career path and now he does welding for Premier Truck and Fleet Services in Shoemakersville. He's an avid outdoorsman—hunter and gardener—a runner, and a Lutheran!



—continued on page 2



Glass Family Highlights 2016

With love from Ben, Sandi, Brian, Krista, Kellan, Nolan, Caitlin, Seth, Patrick, Eileen, Kelsey, David, Leah, Matthew, Emma & Kevin

1

SPORTS, SPORTS, SPORTS

Still running around the county - make that the east coast, chasing children and sports events. Our repertoire now includes historic fencing (Kevin), soccer (Matt and Leah), running (David and Emma) and horses (Leah). Kelsey is an assistant Coach for a HS field hockey team and a club coach for a U16 girls team (in addition to teaching first grade). Ben is able to pursue his passion of refereeing more now as the children are older. Sandi continues to swim and bike.

2

Our family is growing!

Caitlin and Seth announced their engagement on Thanksgiving Day, so we had even more to be thankful for. A March wedding is planned because Seth is being deployed to Kuwait sometime next summer. They will make their home in Jonestown, PA where Caitlin just took a new call at Zion's Lutheran Church as their Pastor. We couldn't be happier for them.



College applications have begun! We spent spring break touring W&M, CNU and UVA. With five teens in the house, we got a lot of bases covered. David is our senior and is planning to study Chinese and international relations. Matthew is a junior and getting ready to take the SATs.

3



4

Let's talk new drivers! Teaching our children to drive ranks right up there with potty training as our least favorite part of parenting.

We have two newly licensed drivers (David and Matthew) and two with learners permits (Leah and Emma). Can you say STRESS and just a couple more gray hairs to go with it. We are enjoying the added benefit of a few more drivers.

5

Ben and Sandi celebrated 35 years of wedded bliss this summer! We count among our blessings our children, their spouses and our grandchildren. And thank our parents for their wonderful examples of selfless love.



6

We fostered puppies this summer

Thinking we didn't have enough to do, we decided to bring two more warm bodies into our family - temporarily. Everyone (except our own dogs) enjoyed the month we spent loving on these guys. Through "A Forever Home" they found their perfect families. It was a great experience that we will likely do again next summer.

7

We have learned a lot in growing our family through adoption, especially in the area of the long term effects of early childhood trauma. We were thrilled to host one of our mentors, Heather Forbes, at our church this spring to bring her important message of Hope and Healing to those in our community.



8

Vacation in Virginia Beach

We spent a lovely week with Sandi's parents and our six youngest children enjoying all things beach - swimming, walking, running, biking, kayaking, volleyball, paddle boarding, an adventure ropes course, sunsets and sunrises and card games with grandparents. Lots of lasting memories.

9

Our older boys are well

Brian, Krista are kept busy with their boys Kellan (3) and Nolan (1). Patrick and Eileen enjoy their "children" Scout and Bradley. We love that they both live nearby and can visit frequently. Our younger kids love babysitting for the kids and dogs!

10

We are looking forward to having all our children home at some point over the holidays. It will be loud and crazy, but it's OUR loud and crazy and we love it.. Praying you get to spend time with those you hold dear this holiday season too.

Best wishes for love and laughter now and in the New Year!



IT'S 2017, BUT GOAL SETTING IS OVERRATED!



Write your goals down! Begin with the end in mind! Envision the possibilities! It's a new year, where will you be in five years?

OK, we've all seen this; haven't we? Most people never think about "goal setting" at all. Very, very few actually write down anything related to goals. Top performers, be they high school students or business owners, actually do think about and write down goals.

"But, Ben, I've done my goal-setting exercise. Check that off the list. I'm a goal setter; aren't I?"

Nope. Goal setting as a predictor of success is vastly overrated. It's a trap to think that (1) having thought about your goals and (2) having written them down, that you have now done your "productive achiever 1%er duty for your life, your family and your business."

This type of thinking is the BS of those selling you those goal-setting journals or worksheets.

I talk to lawyers and small biz owners a lot. Most, as you might imagine, have "accomplished" the above. They have *started*.

When I start asking specific questions, however, I often find that while they

should be applauded for getting that far, they really have not advanced the ball much towards *achieving their goals*, even though they think they have by filling out their goal sheets or journals.

Too many stop there, thinking, "I've set my goals; aren't I great?" They then wait for the magic to happen, as though reciting "I'll weigh 20 pounds less in three months" is actually going to make a finer, more fit you happen.

Ask most lawyers who have "set goals" what their goals are for 2017 and they will tell you things like:

- Increase my revenue by XX%
- Increase the number of new client calls by XX%
- Reduce my bloated expenses by XX%

Ask most normal people who have "set goals" and you will hear:

- Lose weight – (advanced thinking is "lose 11 pounds")
- Get more fit
- Spend more time with my family

- Get more involved with my community

OK, enough already. You haven't really set a goal until, in addition to the above, you have:

- Carefully set out the steps you need to take to reach that goal
- Decided on the players in your life whom you need to corral to help achieve the goal
- Assigned a timeline for goal completion
- Determined the interim steps necessary to achieve the goal
- Figured out how you are going to measure progress and "keep score"
- Determined how you will know it when you have reached the goal

This makes goal setting a lot more complicated; doesn't it? If were as easy as writing down wishes in a journal, everyone would do it.

Let's get started. It's ALREADY January! ■

COULD YOU PAY A \$1,000,000 CLAIM IF YOUR DOG CAUSED A BICYCLIST'S DEATH? CHECK YOUR HOMEOWNERS' INSURANCE POLICY

Attorney James Abrenio in our office recently settled a case for \$1,000,000. A dog ran from a house in an area of the state that had very strict leash laws. Unfortunately, the dog caused our client's husband to crash his bicycle and he later died from his injuries. This homeowner had a pretty good homeowners' insurance policy. Had they not, this case might have forced them into bankruptcy.

We are happy to review your Virginia insurance policies free! Just sign up for our BenGlassLaw VIP program. (That's free, too.) Being underinsured can cause financial ruin and most types of consumer insurance are relatively inexpensive. ■

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