



Think the Insurance Company Won't Spy on You? *Think Again!*

By Ellen Bresnahan, BGL Insurance Appeals Department Head

cvi. Fall offers excellent opportunities to make quick checks on those claiming significant activity restrictions. Good weather, numerous outdoor recreational activities and pre-winter home, car, and yard preparation work are routinely documented.

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In the “You Have to See It to Believe It” category, check out this ad from Claims Verification, Inc., for a “Fall Surveillance Special.” We know what they’re up to – they’re trying to bait insurance companies into checking up on our clients who are receiving disability benefits. After all, why wade through hundreds of pages of medical records, test results, and letters from physicians when you can dismiss a complex claim with an “A-HA! We found you walking your DOG!” That’s a true story, by the way.

We recently filed an appeal for a client who has been dealing for years with a degenerative neck and back condition. Her doctors have been working to maximize her quality of life, but success depends on very carefully managing her activity level. Working and sitting for 40 hours per week is out of the question. But walking her dog is often okay, at least on days she feels up to it. The problem is, on one of her good days, the insurance company had a surveillance team watching. They actually watched her and her home for three full days. On Day 1 and Day 2 there was no activity to observe. But on Day 3, on a beautiful fall afternoon, they recorded a total of 45 minutes of activity.

That’s right – she took her dog for a walk. Even more outrageous, she stopped to chat with her neighbors for a few minutes! Most damning of all, as she chatted, she crouched down (as her physical therapist had taught her to protect her back). That was all the insurance company needed to terminate

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The BEN GLASS TRAINING CENTER Welcomes 50 Lutheran Pastors

We were proud to host a special seminar for members of the Metropolitan Washington, D.C., Synod, part of the Evangelical Lutheran Church in America. Ben spoke for the first

hour on evangelism and new ways that churches can grow their congregation. It's not too often that 50 pastors are listening intently to a lawyer!

We also had a guest speaker from Thrivent Financial, which helps churches manage their money wisely while still being as generous as possible. Of course, churches are not businesses - salvation, spiritual fulfillment, and loving community are priceless no matter how you measure it - but churches face many of the same challenges that other businesses do (even law firms!). How do you build a loving culture for your employees? How do you make sure you're serving people the way you're meant to? How do you react when times are tough?

The group as a whole did a fantastic job of tackling

these tough issues within the context of their mission and purpose, and it was nice to see the Ben Glass Training Center filled to the brim!

If you are a member of a group that would benefit from using our Training Center, shoot us an email at info@benglasslaw.com and we'll be happy to help. ■

We maxed out the space in our new training center when we squeezed in 50 local pastors and church leaders for a 3-hour session.



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Tifiny Catches a "Porch Pirate!"

The suspect had taken books, boots, electronics and more and, interestingly, he admitted to the crimes when police searched his house. He was charged with four counts of petty larceny, identity theft, three counts of possession of a stolen credit card and possession of a schedule II drug. (Source: *InsideNova*, *Police: Serial porch pirate arrested in Manassas Park*)

Tifiny had this to say: "I installed the cameras never expecting to catch a criminal robbing my house. It is almost coincidence that I did. I'm happy that I was able to help the community in some small way by catching a serial porch pirate."

Way to go, Tif! ■

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her disability benefits on the grounds that her “reported level of activity” was inconsistent with her “observed level of activity.” Never mind the MRIs and medical records – clearly the dog walk meant she was faking and lying.

If only this was an isolated incident. It's not. Three other appeals we filed recently were for a woman who was observed attending her son's soccer game, a woman who carried a towel to the neighborhood pool, and a man who carried a small bag of trash out to his trash can. In each case, the client had hundreds of pages of medical records, test results, and support from more than one highly reputable physician (including a world-renowned expert in a rare disease). But the insurance company will disregard all of that if there's even a chance they can call you a faker or a liar.

We won three of those appeals and filed a lawsuit for the one we lost, which resulted in a settlement for the client before going to court. In each case, we used the insurance company's tactics against them. We showed the surveillance footage (which the insurance company is required by law to give us) to the client's doctor, and the doctor explained why the “observed level of activity” was not at all inconsistent with the “reported level of activity.”

The moral of this story? Be honest. Be honest with your doctor about what you can and cannot do. Be honest with your lawyer. And be honest with the insurance company – don't say you can't drive if you drive only short distances. That way, when they “catch” you doing something as daring as taking the dog for a walk, we can go to bat for you. In most cases, if you've been honest, we'll win. ■

BGL's Best Bites



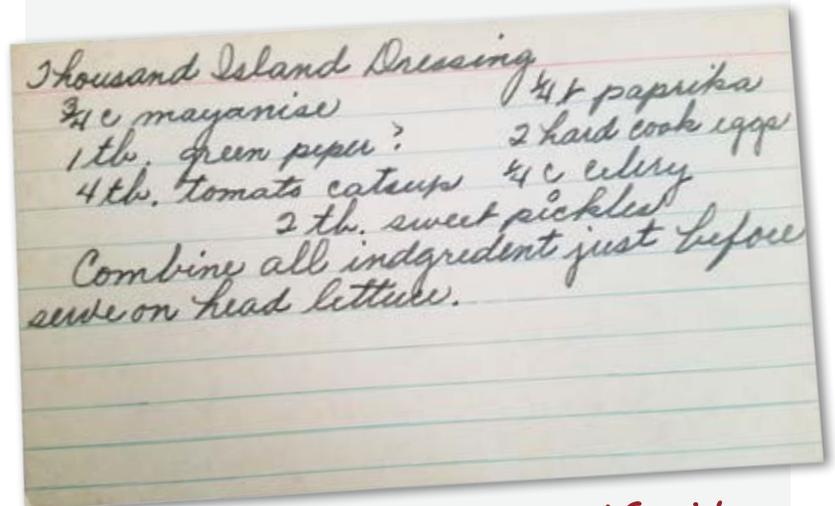
GREAT-GRANDMA'S THOUSAND ISLAND DRESSING

Ingredients

- 3/4 cup mayonnaise
- 2 TBS sweet pickles
- 2 hard boiled eggs
- 1/4 tsp paprika
- 1 TBS green peppers
- 1/4 cup celery
- 4 TBS tomato ketchup

Directions:

- 1 Chop the eggs, peppers, and celery.
- 2 Combine all of the ingredients and serve!



We love finding old notecard recipes! Special thanks to Tifiny for sharing this card from her Great-Grandmother. Delicious and easy to make.

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.

