

# How Do I Leave Work on Disability?

By Jacques Chambers

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Many people feel that there must be a certain procedure or ritual to follow when leaving work on disability, but that's not really the case. There are many different ways to do it. It will vary based on the type of work you do and the type of company it is as well as your own personal feelings about work and your co-workers.

The important thing is to stay in control of the process and leave according to your schedule, not luck or circumstances.

Below is the general order in which I proceed with my clients. Your particular case may require some alteration to this list, but generally proceeding in this order will make the transition smoother with fewer problems or mistakes.

1. **Prepare** – Review your benefits package and know what will happen to them when you leave work, and how to keep those benefits that you will need. Also, determine what your income will be once you stop working. You will probably want to get an estimate from Social Security of your accumulated disability benefit if you have the month it takes to obtain.
2. **Know your rights** – Learn about the various laws that provide you some protection. From COBRA which allows you to stay on the employer health plan to FMLA which can continue your benefits and protect your job for the first twelve weeks of disability, to Medicare which starts usually after you've been off work for 29 months or HIPAA which guarantees individual coverage after COBRA ends.
3. **Get the support of your doctors** – It's your medical record that will support your claim for disability. If your doctor says you are able to work and aren't disabled, that's the end of the claim, unless you find another doctor.

At your next visit, ask something like, "Doc, do you believe with my medical record and your statements that I'll have any problem getting on

disability.” (Your doctor may or may not know for sure, but a commitment of support from her now may come in handy if she later needs to write a five page letter explaining your medical problem in medical terms.)

- 4. Examine your medical records** – After your next doctor visit, ask to sit at a desk and review your medical record. How complete is it and how easy is it to read. Does your doctor list all your symptoms at every visit? Does she give some description of the severity and frequency of symptoms.
- 5. Tell your employer** – This step causes a lot of confusion and stress. Who to tell? How much to tell? When to tell?

I recommend that you go to the highest level person in Human Resources or in general management, if your employer isn't big enough for an HR department. The reason is that the individual should have a working knowledge of your rights in such situations as well as the confidentiality laws surrounding such medical information and most immediate supervisors don't have that knowledge. Also, you're talking about your medical condition and many people don't want all the details discussed openly by their co-workers. If you start with a high ranking employee, they don't have to give as much information to staff below them.

- 6. Doctor's note or no doctor's note** – One way is to tell the employer that your doctor is telling you that you must take some time off. Then ask, “What paperwork do you need completed?”

You should see your doctor close to the time you leave work anyway, so you may want to get something to take to your employer. The note from your physician should say something simple like: “Jane Marple needs to take some time off due to her medical condition. Her last day will be this Thursday, and she will be off at least 60 to 90 days.”

Present that to your employer and ask, “What other documentation do you need?”

With my clients, we review exactly which course of action is best and who is the right person at work to talk to.

- 7. Be vague about when you'll return** – The employer will always want to know when you're returning. The honest answer is, “I don't know,” even if you don't intend to return at all. This will protect your rights under the Family and Medical Leave Act. And who knows, a month or two off and you may be anxious to get back to work.

8. **Confirm it in writing** – Confirm your discussion with your employer with a follow-up note that confirms all that you said and what they promised. Keep a copy.
9. **Apply for short term disability first** – These programs usually start paying the quickest whether it's a short term disability plan from your employer or whether you live in one of the five states (California, Hawaii, New Jersey, New York, and Rhode Island) that mandates a short term disability program for workers. This is usually a fairly easy and straight-forward claims process.
10. **Don't miss your opportunity to continue health, dental and vision coverage under COBRA** – Work with your employer to make sure you don't miss this very important right.
11. **Apply for Long Term Disability** – Your employer will provide the claim form that you and your doctor will complete.
12. **See if the group life insurance has a disability waiver of premium provision** – This benefit usually allows you, after completing the paperwork, to keep your life insurance without paying premiums for as long as you are disabled.
13. **Determine what you should do with your retirement funds** – Whether in a 401(k), an IRA, a 403(b), profit-sharing or other tax-sheltered retirement account, know what your withdrawal rights are and decide whether to maintain the funds where they are, move them but keep them tax-sheltered, or take them out to meet current expenses.
14. **Apply for Social Security Disability Insurance (SSDI)** – This can take more time both to complete the forms and to get approved so it's usually best to wait until last to make this application.
15. **NOTIFY YOUR EMPLOYER OF SOCIAL SECURITY APPROVAL** – An often-overlooked but very important final step. By getting a copy of your Social Security approval letter to your employer within sixty days of receiving it and by meeting the other requirements, you will be able to extend your COBRA Continuation coverage until you become eligible for Medicare.
16. **Don't burn any bridges** – Tempting though it may be to tell them what you really think about them, keep things as amiable as possible. You may need to ask your employer for support if you have a problem with any of the benefits. Your health insurance will probably remain tied to the employer. You may even want to go back to work.

Leaving work and going on disability is a major life change. The better you plan, the more control and power you will have over the process and the less helpless and you will feel.