

# In *your* CORNER

The Disability Law Adviser

**CASE CLOSED:**

## Battling for BENEFITS

As a Registered Nurse, Kathyan Gopichand spent her professional career helping others, but when she came into my office, *she* needed help. When I met Kathyan, she was already homebound suffering from a myriad of medical conditions that forced her to apply for benefits with CIGNA, her employer-provided disability insurance company.

Kathyan suffered from cervical dystonia and rotator cuff tear, affecting her range of motion and upper body strength; idiopathic vertigo and dizziness, causing her to use a wheelchair due to her impaired gait and balance issues; and Fibromyalgia with widespread pain over her entire body along with extreme fatigue and memory loss. These combined conditions obviously impaired her ability to help her patients and could even potentially endanger them.

CIGNA reviewed her records from the year before her claim to see if any of her conditions were pre-existing and found that Kathyan had been prescribed medications commonly used to treat musculoskeletal conditions. CIGNA felt they had found enough ammunition and denied her claim. However, they failed to look at the reason why she was prescribed those medications, and never even looked at her other conditions that led to her inability to continue working.

Fortunately, a friend referred Kathyan to me – a former Registered Nurse – for help in fighting the denial of her claim. We obtained and dissected Kathyan’s medical records dating back to the period that CIGNA was reviewing through her then-current records and sent them along with supporting medical research to CIGNA. Armed with this documentation illustrating



the entirety of Kathyan’s medical conditions and their effect on her ability to work as a nurse, CIGNA reversed their denial and paid Kathyan the disability benefits she deserved.

Kathyan says, “As the main bread winner for my family, the denial of my claim by CIGNA could have caused great financial problems for us, possibly to the point of being homeless. Claudeth and her staff were very attentive and thorough in their review of my records. Since Claudeth had been a nurse herself before becoming an attorney, she has an uncanny understanding of my medical conditions and the affect they had on my ability to work as a nurse. She fought the battle with CIGNA for me and won my fight. She was truly a God send.”

If your patients or clients find themselves in need of a medically knowledgeable attorney to fight for their disability benefits, have them contact me for a complimentary review of their claim. After all, disability is my specialty. **CASE CLOSED.** ■

## In Your CORNER

by Claudeth Henry, Esq.

Just one more month of summer with record-setting hot temperatures nationwide! Time to think about giving our hard-working staff some time to cool off and recharge their batteries with a retreat. Along those lines I share some personal memories of our own firm retreat to St. Augustine in ‘*Claudeth’s World.*’



Claudeth Henry, Esq.

Our ‘*Spotlight*’ introduces us to a wonderful charitable organization in Marion County utilizing equine-assisted

therapy programs: Marion Therapeutic Riding Association. They are always in need of volunteers and sponsorships, and all donations are gladly accepted!

A knee-jerk reaction by the insurance company in reviewing my client’s medical records opened the door for use of my past medical experience as a nurse in ‘*Case Closed.*’ And we share how acting out of boredom can inadvertently lead to the denial of a disability claim in ‘*Danger Zone.*’

Remember: If you, your patients, or clients are applying for or have been denied disability benefits from an employer-sponsored disability insurance program contact me for a free evaluation. Why? Because I am ‘*In Your Corner.*’ ■





# Just Do it! . . . Wait! . . . DON'T Do It!

Nike's 'Just Do it!' is one of the most popular slogans in advertising history and it's great if you want to be an athlete or even complete your daily exercise routine. However, when it comes to seeking and receiving your well-earned employment disability benefits, if you are considering volunteering, working part-time, or starting a new business – 'Don't Do It!' because if you do, it places you in the Danger Zone of losing your disability payments.

Over the last two decades, I have seen numerous times when my own clients – possibly out of boredom – have mistakenly thought that doing a different kind of job or even, volunteering while on disability will not impact their disability qualification and payments. Wrong. Any sort of work while on disability puts you at risk of losing your disability benefits, which Bryan Kopesky discovered . . . too late.

**In Kopesky v. Aetna Life Ins. Co., No. 21-C-59, 2022 WL 2304505 (E.D.**

**Wis. Jun. 27, 2022)**, Bryan Kopesky worked for Kimberly Clark Corporation from 1982 and last worked as the Director of the North American SAP Integration Office. In 2004 Bryan was struck from behind by an automobile when he stopped to help another driver that had driven into a ditch. After the automobile accident, Bryan was treated for a cerebral cortex contusion/traumatic brain injury (TBI) causing post-concussive syndrome and fatigue.

Unable to continue working, Bryan filed a claim for disability benefits with Aetna under his employer's disability benefit plan, which was approved and paid from September 30, 2004, until February 21, 2018, when their review determined that Bryan no longer met the plan's definition of disability and terminated his benefits.

On review Aetna learned that Bryan had started a construction company for "physical and mental exercise" and about 10 years later worked part-time as a co-partner in a tablet accessory company. He also was a founder, director and chairman of a charitable

organization seeking to have influence in the lives of children in Peru, occasionally traveling there.

Aetna noted that these activities were inconsistent with the clinical evidence in his ongoing claim. It indicated that by doing so Bryan showed the ability to work at a sedentary physical demand level (PDL) occupation doing these activities while receiving disability benefits.

Following an unsuccessful appeal, Bryan filed suit under ERISA. The court denied Bryan's motion for summary judgment, concluding that Aetna's decision was a reasonable interpretation of the medical records, as well as Bryan's part-time work and volunteer history since 2006. Thus, the court dismissed Bryan's case.

If you, your client or patient are disabled, yet still "working" in some capacity, they are putting their disability claim AND payments at-risk. If that is the case, refer them to me for a free review of their case to keep them out of the *Danger Zone*. ■

## Havin' a LAUGH!!



**His face exuded calm ... but his tail betrayed him.**

## Words Beginning with Double Letters

O	O	L	I	T	E	O	O	D	O	S	O	D	E
O	O	D	L	F	R	O	O	G	O	N	I	U	M
O	P	A	O	A	A	R	D	W	O	L	F	O	L
S	Z	O	O	G	E	N	E	S	I	S	M	D	O
S	H	A	P	M	O	O	O	G	O	N	Y	O	E
N	M	E	E	R	I	E	I	E	E	E	F	O	A
L	O	I	O	O	L	W	O	L	I	S	N	M	E
O	M	O	M	O	O	I	Y	O	O	E	A	L	K
E	O	P	W	R	Z	P	Z	O	I	L	O	F	A
M	E	O	S	A	O	E	O	P	L	D	O	O	I
M	A	N	F	L	E	L	O	S	O	O	O	N	M
Y	E	O	I	I	A	H	E	A	O	O	M	R	O
M	I	E	N	E	S	O	M	E	E	E	P	M	O
O	N	A	L	L	O	H	F	E	L	D	H	I	S

- |          |           |        |        |
|----------|-----------|--------|--------|
| AARDVARK | EENIE     | OOMIAK | OOFISH |
| OOZE     | OOZY      | OORALI | EEL    |
| LLAMA    | OOMPH     | OOMPAH | OOPS   |
| OOGONY   | OOGENESIS | OODLES | EERIE  |
| OOLITE   | OOGONIUM  | LLANO  |        |

Play this puzzle online at: <https://thewordsearch.com/puzzle/88161>



# SPOTLIGHT

## Celebrating

# Equine-Assisted Therapy

With roots in antiquity, but now a popular modern form of treatment, equine-assisted therapy includes a range of treatments and activities with horses that promote human physical and mental health for a wide range of people of all ages and conditions; from veterans suffering from PTSD to children with autism or cerebral palsy, elder stroke victims, troubled teens, or those with multiple sclerosis or other medical conditions.

That's exactly what happens at the **Marion Therapeutic Riding Association** (MTRA), a non-profit organization right here in Ocala that helps individuals struggling with mental or physical conditions heal through the power of equine-assisted therapy . . .

and why we are honoring the good work done by this awesome group of volunteers and their spectacular animals.

"Horses once used as jumpers, trail horses, endurance or western pleasure, undergo a 90-day assessment for soundness and training to see if they can become therapy horses. They must have the right temperament and be structurally sound to support riders comfortably and safely," says Catherine Sears, MTRA's Program Director since 2018, an experienced rider who chalked up her first horse show when she was only 22-months old.

According to Sears, "We have a horse from Amish country, whose long-time job was to pull a produce cart. He gets so many hugs and loves his different type of job. It's wonderful to see the horse just melt or light up enjoying their retirement, and to see the bond develop between the horses and our clients."

While the MTRA's equine-assisted therapy programs give these majestic animals another important job in their retirement, the healing they promote to their two-legged riders also makes a huge difference to the quality of life for those challenged with mental and physical conditions.

These programs include:

### The Freedom Reins Program

🐾 Veterans suffering from traumatic brain injuries, loss of limbs, blindness, PTSD and other military related injuries can connect with the horse, who seeks to understand, empathize and feel their energy.

### Traditional Therapeutic Riding Program

🐾 Provides therapeutic horseback riding to individuals with physical limitations. The rhythmic movement of the horse mimics the walking gait of a human, acting as a powerful tool to improve strength, coordination, balance and flexibility.



(left, top) Equine-assisted therapy in action.  
(right, top to bottom) Giving back to a Veteran who gave so much.  
Catherine Sears, Program Director, with one of the therapy horses.

### The Equine Experience Program

🐾 Works with foster children and children-at-risk to gain the ability to ride and bond with the horses, with the mission of helping children to more easily manage life challenges.

### The Bridge for Success Program

🐾 A branch of the Equine Experience program with the mission of teaching work and leadership skills for future jobs for at-risk children in our community.

The good work of MTRA can't continue without the essential Marion County local volunteers. Funded by grants and sponsorships for both the horses and students, MTRA also needs sponsorships for hay and feed. An online donation box can be found on their website.

For more information about the programs offered by Marion Therapeutic Riding Association and how you can help, contact Catherine Sears at 352/732-7300, or visit their website [www.mtraocala.org](http://www.mtraocala.org). Marion Therapeutic Riding Association, 6850 SE 41st Court, Ocala, FL 34480. ■





# CJ HENRY LAW FIRM, PLLC

YOUR DISABILITY LAW PARTNER

2303 E Fort King Street  
Ocala, Florida 34471  
Phone 352.304.5300  
www.cjhenrylaw.com  
email: info@cjhenrylaw.com



(above) Claudeth recharging her batteries.

## Claudeth's WORLD

### Time To Recharge Our Batteries

Summertime is nearing its end, and many of us have either already gone on our summer vacation or are looking forward to it. But what if our busy schedules won't allow a week or two off for a distant destination? What if our hard-working staff also deserve a break from the norm and we'd like to do a short office/firm retreat, bolstering camaraderie? Luckily for us, we live in the great state of Florida, with countless offerings to fill that bill, many within a few hours' drive. St. Augustine sure served that purpose well with my firm.

Just under a 2-hour drive from Ocala is the historic city of St. Augustine. My firm rented a house right on the beach with outstanding views of its calming tranquil seas to soothe our overworked souls. Along with pristine beaches, St. Augustine offers delicious food experiences, trolley and ghost tours, sunset cruises and various water activities for your enjoyment. Members of my firm still recall how much fun they had on a nighttime horse-drawn trolley tour, and of course, we all remember having a brief firm breakfast meeting in our PJs! Spending 3 days together on a long weekend getting to know each other on a more personal level really helped build morale.

Of course, a visit to St. Augustine also offers an opportunity to take a trip back in time visiting one of its historic sites, like **Castillo de San Marcos** on the western shore of Mantanzas Bay; built in 1675, it is the oldest masonry fort in the continental U.S. A photo opp can't be beat in front of the **St. Augustine Lighthouse**, where you can learn about 500+ years of maritime history. And of course, there are many more!

So, give it some thought. You don't have to travel far from home to drink in the richness of our great state and recharge our collective batteries. I'm ready for a redo! Sound good to you and your staff? ■



(left) Claudeth, Jane (bookkeeper), Cortnei (legal assistant), Dianne (retired paralegal), and Tina (paralegal).

(below, top to bottom) Archie and Tina (paralegals).

Jane and Dianne with the horse from the night trolley ride.

View from the rental house balcony.

