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## **NAVIGATING THE SHARK INFESTED WATERS OF ERISA Top Disability Insurance Lawyer Says You Are Not Protected**

Ontario, CA - When the Employee Retirement Income Security Act (ERISA) was passed in 1974 it went on the books with little fanfare.

Thirty years later, ERISA has become the insurance industry's best friend, eliminating for the employee their seventh amendment trial by jury, emotional distress and punishment damages," says Frank N. Darras the nation's leading disability, life and long term care insurance lawyer.

"ERISA has left in its wake a sea of denied employees without a remedy." See [www.sbd-law.com](http://www.sbd-law.com).

"Designed and lobbied as a simple, comprehensive, uniform application across the United States of Group Health, Life and Disability, employer benefits litigation was supposed to go down, premiums would level out and the employee would be protected," says Darras.

Shocking say some, but the reality is, according to Darras, that the employee is no longer protected.

Darras explains why:

Say a 40 year old employee who is the mother of three is diagnosed with breast cancer early enough that with high dose chemo therapy and a bone marrow transplant, she would have a healthy prognosis for recovery and would live to see her grandchildren.

Unfortunately, her insurance carrier, through her employment, delays making a timely claim decision and the window of time to cure her slams shut and she dies. "All of us would be horrified and .....most would think, her insurance company is in big, big trouble," says Darras.

At forty, with 25 working years left and earning \$50,000 a year, her family has lost their mom and her \$1M worth of earnings. What can they recover under ERISA? There is no remedy for her wrongful death. This devastated family could sue under ERISA for the medical service she didn't get AND THAT IS ALL.

"Horrific, unconscionable.....Why don't we know this is about ERISA," asks Darras.

Sharks circle in the Sea of ERISA.

Medical employee insurance claims are not the only area swept under in the Sea of ERISA, it's your life and disability insurance as well.

If you are a disabled employee and your group insurance carrier denies your legitimate claim and your home is foreclosed on, your equity extinguished and your credit is destroyed.....you may not seek damages under ERISA. All you're entitled to in an ERISA disability case is the back-due benefits, interest and attorneys fees if the court allows them.

Life insurance claims that fall under ERISA are treated the same way as group medical and disability.

To survive, Darras suggests:

--If you can afford the premiums, buy your own disability and life insurance privately so if your company goes out of business, if you're fired or move you can take your private disability and life insurance with you and not face the evil face of ERISA.

--If you can't afford private medical insurance for you and your family, make sure at the first hint of a serious medical problem, you engage a knowledgeable lawyer who can navigate you through the complicated waters of ERISA.

NOTE TO EDITORS: Darras available for interviews.

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