



DISABILITY APPEAL

WHAT TO TELL YOUR INSURANCE COMPANY

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1. **List your main symptoms.**

Do not merely state that you have dizziness or vertigo. Does your dizziness include feeling lightheaded and therefore impact your concentration? Do you have a spinning sensation (vertigo) that impacts your gait and therefore you walk with a cane? Include any impact on your vision. Does it impact your driving or the ability to work in an office with fluorescent lights?

2. **List the main responsibilities of your position/job and the cognitive skills involved with each one.**

Emphasize that the **brain** is involved with the balance or vestibular system, and that's why your cognitive skills are impacted. The body maintains its balance by using information from the eyes, feet, trunk, spine and the vestibular system (inner-ear). All of this information is integrated and processed by the brain and in response messages are sent to various muscles of the body to be in perfect balance. When one or more of these information gathering functions is not working well the brain cannot interpret these mixed signals, resulting in imbalance and often an impairment in cognitive functions (e.g. the thought process, etc.).

Some typical cognitive impairments include:

- poor concentration, memory, and word recall
- impaired ability to track printed words
- impaired mental stamina
- priority use of cerebral function is no longer assigned to higher level processes, reducing the ability to absorb instructions, learn and problem-solve
- ability to work in groups impaired because working at the group's faster pace isn't possible; makes being a team player nearly impossible

3. **List the physical impairments in your job/workplace.**

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- Can you drive to work in heavy traffic and in the dark with oncoming traffic lights? If required, can you travel for your job?
- Do you have extreme fatigue? Fatigue can be the result of the vestibular system's impairment causing the brain and the body to work overtime because of the mixed signals they receive. Medications that have a sedative effect (e.g. Klonopin) also contribute to fatigue.
- Can you work without taking significant breaks during the day? How would this impact meeting in groups, interacting with your manager, etc.?
- Do you have dizziness/imbalance without standing or walking? Do you have symptoms while sitting down at your desk? You can have symptoms of dizziness/vertigo without provoking it by physical movements. If this is true for you, it is crucial that you emphasize it!
- Do you have bouncing vision with only slight head movements? How does this impact your ability to enter information into a computer or complete other office tasks? Does the movement of other people trigger symptoms? (e.g. hand movements of colleagues in a meeting). Explain how the vestibular-ocular reflex is often impaired with vestibular disorders which can cause vision problems and exacerbate symptoms of dizziness/vertigo.

Emphasize the unpredictable nature of vestibular disorders. For example, you may feel fine one day and completely wiped out the next. A good day may **not** be dependent on going home and resting up. A good night's sleep may be followed by a day with symptoms at their worst.

Emphasize how your responsibilities cannot be carried out at all or without significant breaks that would make it impossible to meet deadlines and be an efficient and effective employee. It's important to include how you cannot think of any reasonable accommodations that your employer/manager can make to allow your return to your position.

4) List how long it takes you to complete basic tasks that are not necessarily work-related, although they require the use of your cognitive skills. List how many breaks it took to complete the disability forms/materials. Emphasize the help of your lawyer, family member, and/or friend to complete the paperwork of the appeal.

For example, if it takes you longer to pay your bills because writing out checks requires more concentration, then include such a task in your documentation.

5. Include any information from an authoritative source, such as the Vestibular Disorders Association (VEDA) – visit <https://vestibular.org> and download some of their many free short publications.

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Choose short articles rather than entire books. An overview on the vestibular system and the impact on cognitive skills are crucial. Also, if your doctor has a website with information on vestibular disorders, consider referencing the doctor's website or provide some information from the site.

6. **Other tips.**

Do not feel constrained by the disability form whether it's the first application or an appeal. Include whatever information that would give a caseworker an accurate depiction of your disability. However, do not overwhelm them.

Do not discuss your abilities. For example, do not discuss that you still enjoy gardening or going to the movies. Keep the appeal focused on why you cannot work, even with accommodations.

This advice assumes that your doctor who has diagnosed your vestibular disorder is advocating for you and is also completing disability paperwork on your behalf. If your doctor does not have a good understanding of your job then it is up to you to make him/her aware of the cognitive and physical impairments at your job and ask him/her to incorporate this information into his/her paperwork submitted to the insurance company. Often the disability forms that the doctor is asked to complete focus on a physical impairment that prevents a worker from performing physical tasks (e.g. lifting objects, etc.). If the doctor has already completed the initial disability paperwork, consider asking him/her to write a letter for your appeal. Request a copy of this letter and send it with your appeal package.

Finally, send all communication to the insurance company by registered mail, priority mail with tracking, or by express mail with a signature required.