

## SEVEN STEPS WHEN YOU HAVE AN INSURANCE CLAIM

### *Use Polite, Organized Persistence*

Help maximize your insurance recovery with polite, organized persistence. The seven steps below – gleaned from almost ten years representing insurance companies – can help you translate that goal into a practical reality.

#### **1. Write, And Keep Good Records**

People making insurance claims cannot hear this enough. Written materials last longer than memories. Create a durable record by confirming every oral communication in writing. If you go to court, that written trail can help overcome any forgetfulness of busy claim handlers.

Moreover, documents drive the claims process. Indeed, insurance companies may only use documents to evaluate whether to pay and how much to pay. If they don't pay, the document trail you create could control in any lawsuit you file to collect on your insurance. (You can read a short article on the subject at <http://www.insurance-recovery.com/article2.html>.) The key points are: (1) insurance companies don't always keep good records; (2) insurance companies cannot always easily access their records; (3) if you provide helpful documents each time you write, that can help justify paying you; (4) the paper record of your effort could help you in court, later.

Keeping good records takes time and effort. But the effort can sometimes pay off more than one hundred-fold.

#### **2. Use Letters, Faxes, And E-mails**

Each approach has value. Letters look more formal and can serve as more compelling exhibits. But use certified mail-return receipt for any important letter so you can prove that you sent it. Faxes convey urgency and sometimes can draw a more rapid response. Again, however, keep the printed fax confirmation showing you sent it.

E-mails can be uniquely useful if used with care. Many senders (including some claim handlers) treat e-mails more casually than other written communication, even though they can last as long as letters. Do not casually e-mail your insurer. Treat each e-mail to your carrier like it was your last will and testament. Proof for errors and make sure nothing in it can hurt your claim.

#### **4. Include Key Documents**

Provide key documents to your carrier when you write. When making a liability insurance claim (because someone wants money from you), send copies of all written demands as well as any complaints filed against you in court. Sometimes, merely receiving such a document can obligate your insurer to investigate further.

When you are making a claim for loss to your own property, include helpful invoices or estimates showing what repair or replacement will cost.

In either instance, you should also include any helpful reports from public entities (such as police or fire reports). Make it easy for your claims handler to read documents that provide reasons to pay. And (in case you forgot the first step), keep records showing what you sent.

#### **5. *Demand Written Responses***

Many states require insurance companies to provide written responses to claims, especially when denying coverage. Sometimes, the law requires a quick response. Insist on one. Not all carriers write careful and complete denial letters, especially if pressed for time. A sloppy or unjustified denial letter can help you recover both before and after filing a lawsuit.

#### **6. *Use Care On The Phone***

Remember that your calls might be recorded. Even if you are not, use care when speaking with insurance adjusters. Anything damaging that you say will be used against you later. Do not lie or misrepresent information (that can cause problems). But, avoid thoughtless chatter. Some claims people may be skilled at drawing out damaging information through a friendly demeanor. That said, don't be rude. Claims handlers are real people, and if you are pleasant, you may get paid faster. (See <http://www.insurance-recovery.com/article1.html>).

And importantly, ask to see any detailed questions in writing before you answer. That way, you can provide a careful response. Detailed questions signal the need for more care.

#### **7. *Maintain Contact And Follow Up With Superiors***

Write back every two weeks if you get no response. Include copies of your prior efforts with each follow-up. Provide a crisp, written record of your effort and their silence. Importantly, try to respond promptly to all their requests with correct, helpful information.

If you aren't getting responses, go up the chain. If your first two efforts fail to produce a response, address the next follow-up letter or fax to "Claims Manager" or "Claims Director." If that fails, look on the company's website for the CEO's name and address and mail a certified return-receipt letter to him at company headquarters. If that doesn't work, send him a second letter marked "personal and confidential" on the outside. If that still fails, try a lawyer -- if you have not already.

*John J. Rasmussen founded the Insurance Recovery Law Group, PLC after nearly a decade of working for insurance companies. You can learn more about him and his practice at [www.insurance-recovery.com](http://www.insurance-recovery.com). You can contact him at [jjr@insurance-recovery.com](mailto:jjr@insurance-recovery.com)*