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BRIEF

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FRANK'S COLUMN

There has been a lot going on about the coronavirus, but we want to make sure you know the virus is definitely not going to hurt your case! We are taking care of everything, so you don't have to worry about anything. You won't see any changes or interruptions in service due to the coronavirus. At the office, we have been taking a lot of measures to keep you safe (setting out hand sanitizer, wiping down surfaces, cleaning, etc.) if you want to come for a scheduled meeting. But if you don't want to come in, we completely understand and are ready to go with video meetings or phone calls instead.

If needed, we are set up to continue working remotely and providing the same level of service you would expect from us on any other day. We will still be available by phone and email if we are working remotely.

You've got enough going on — your case is one thing you can be 100% sure you don't have to worry about. We are going to take care of everything, so you can focus on keeping yourself and your family safe.

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DNA TESTS AND WHERE WE COME FROM

In the past few years, DNA tests have gained popularity. Companies like Ancestry.com and 23andMe have pulled back the curtain on millions of people's lineages and, in a way, told them where they came from. We care a lot about DNA (we even have a day dedicated to its discovery on April 25), and what it can tell us about who we are. That's not all genealogy tests have done, however. Some people have been led to long lost relatives or discovered their ancestors came from Poland instead of Ireland like they always thought.

Genealogy databases, built from the DNA samples people have voluntarily sent in, have also helped law enforcement solve a number of cold cases, and it even led to an arrest in the case of the Golden State Killer in California a few years ago. While some have raised valid concerns about the potential abuse of these massive DNA databases, by and large, they illuminate the past — even as the past becomes less and less important in deciding our futures.

I've never done any of the genealogy tests. It's not that I'm not interested in my family or where I came from; I'm more interested in the family stories we pass down than the science or data of my lineage. About 20 years ago, before any of these companies existed, my in-laws made a hobby out of discovering the stories of their ancestors by visiting towns, churches, and courthouses all over the country. They poured over birth, baptism, marriage, and death records and traced family connections.

During their search, they confirmed a lot of family stories, including one of my favorites — that during the 1920s, as a young man, my wife's grandfather actually had to leave town after shooting two would-be burglars in his shop in Peoria, Illinois, because they turned out to be mobsters. Who knows what would have happened if he hadn't settled in Milwaukee and married Kathy's grandmother — but shooting those guys turned out good for me! A DNA test can't tell you a story like that!

My side of the family has a bunch of great stories, too, like my grandmother chewing out one of my uncles and a pool hall owner for letting underage kids skip school and hang out there (while two other uncles hid under a pool table), an uncle faking his age to fight in World War II, and another who came home from the war to find his family had moved without telling him (thankfully only a few blocks away). Then there's the one about a great- or great-great-grandfather from Ireland who was given a choice as a teenager: jail or America. We have lots of other inspiring stories about what it was like



for people to start over with almost nothing, or at a very young age, and why they came (opportunity, love, boredom, and hunger probably all played a part).

As cool as it is to know your ancestry, I'd rather believe all the colorful stories about my family's past. Plus, I think one of the great things about our country is how little our roots define us anymore. By and large, most people have the opportunities to rise above their station in life, to really change their lives due to technology and so much available information, now more than ever. For a long time, the family we came from defined who we were. If your father was a farmer, or a blacksmith, or an aristocrat, that's probably what you would have been as well. But people in this country broke that cycle through opportunity, ideas, freedom, hard work, and a lot of other skills.

A lot of the people who came to the United States initially did so to escape a world where they had no say in their lives, no real opportunity or chance to do better. I think that's one of the reasons the United States is such a prosperous country. No one really tells us what we have to do (even with an election coming up), or if they try, we don't have to listen. When people can move where they want and work according to their passions, everyone wins. What's more, when everyone has the chance to build their own life, they create even better opportunities for their children.

And if I ever take one of those tests and it comes back saying my ancestors aren't from Ireland, well, I'll just say it's blarney, you know, and still celebrate St. Patrick's Day!

-Frank Kearney

DC SUCCESS STORY CRAIG TURNER

GOING WHEREVER THE WIRE TAKES HIM

Craig Turner is an impressive guy.

The physical demands on a telecommunications worker, with the technical expertise required to handle copper wiring and fiber optics, should make us all more grateful that we have people like Craig climbing up poles, crawling around up on the roof, descending into manholes, and squatting in front of jacks to make sure that what we take for granted nowadays — family FaceTime, video meetings, even simple texting — all function properly. It requires a ton of work, strategy, and implementation, which all goes on behind the scenes.

As Craig explained, it's all about the maintenance of infrastructure. The towers that transmit service to the cell phones were originally supplied by copper phone lines. That's why they were only able to give you a certain speed. Fiber optics and other technology are changing that, of course. So now, you might have an issue with the internet at your office, and the trouble might be somewhere in New England because a piece of routing equipment fails.

As an insider, Craig worries that as technology accelerates more and more, the individualized, community connectivity will be lost and the levels of service will go down. He says, "They have some very capable people in this industry — people who have been around for 30-plus years and seen the system grow and change; they know how to move from one system to another. They know how things work. It's the saving grace in all this. But when people in management start specifically and

An avid long-distance cyclist, he worked hard to get back to work and back on the road, a yearlong process. What's it like coming back from such a serious injury?

In Craig's words: "I'm still doing the same work, but I don't do it as much anymore. The copper wire customer base is shrinking ... copper transmission lines are leaving and going to fiber optics. As far as physically, there are still days when my lower legs feel really tired. Both Achilles' tendons were torn and had to be reattached. So, I'm looking forward to someday doing some work that's not quite as intense physically. I'd like to eventually work with the backbone of the infrastructure, like building out the 5G system and getting into that aspect."

When I asked what advice Craig would give to people who are dealing with a serious work injury right now, he shared this:

"It can be a mind-numbing process if you are trying to handle it yourself. I recommend getting an attorney who knows the workers' comp system. There were times when I wouldn't get a workers' comp check — I would just call you guys and you took care of it. That is really comforting.

"And you never expect it to happen — you get injured trying to do your job, and lost wages can put you in a predicament where you are homeless. Let's face it, people are a few paychecks away from being destitute.

"You guys do very good work. You make it easy. Frank took the time to come out to visit me when I was in a wheelchair after surgery. It was illuminating when Frank came by and talked with me ... things started happening. I got a wheelchair sent to me, and then I had this easy boy chair; then, somebody came over and said, 'Can we send a nurse to you?'

"But you would never know you could get any of this from talking directly to the workers' comp insurance people yourself."



"FRANK TOOK THE TIME TO COME OUT TO VISIT ME WHEN I WAS IN A WHEELCHAIR AFTER SURGERY. IT WAS ILLUMINATING WHEN FRANK CAME BY AND MET WITH ME ... THINGS STARTED HAPPENING. I GOT A WHEELCHAIR SENT TO ME, AND THEN I HAD THIS EASY BOY CHAIR; THEN, SOMEBODY CAME OVER AND SAID, 'CAN WE SEND A NURSE TO HELP YOU?'"

exclusively chasing revenue for shareholders without regard for service, that's what you have to look out for."

And that's what Craig does — he goes "wherever the wire takes me" to fix it. He loves the challenge of getting a customer's service back, which to Craig is "like a puzzle, figuring out each specific piece to make it work." And that's what he was doing when he had a devastating injury, tearing both of his Achilles' tendons when a ladder collapsed, putting him in the hospital with surgeries and a long rehab ahead.

INSIDE LOOK AT A STAGEHAND UNION

Over the past few weeks, I had the pleasure of hanging out with some pretty fantastic union workers over at IATSE Local 22. IATSE stands for International Alliance of Theatrical Stage Employees, and their members are stagehands who work all over D.C., Maryland, and Virginia. If you've ever been to a show at the Wolf Trapp, Capital One Arena, the Kennedy Center, or Merriweather Post, or if you've ever attended a concert at the Capitol or an inauguration, chances are you've seen these amazing stagehands setting up stages and lighting platforms, rigging, climbing, shining spotlights, and working like crazy behind the scenes to create that showtime experience.

Like all unions, IATSE offers classes, training, and opportunities to gain skills to launch their members to the next levels of expertise. Unions put a lot of time and effort making sure their workers are doing their best work, and what makes them so valuable is that they specialize in one trade, whether it's elevator maintenance workers, construction plumbers, pipe fitters, electricians, stagehands, or any other specialty. **As they say, if you want it done right, hire a union.**

I really enjoyed talking to the folks at IATSE — Lynn, Cathy, Allison, and David. It's clear they really care about the members — they know injured workers are caught between a rock and a hard place, trying to do the right thing, but not always knowing what that is, and the challenges they face, like communicating with professional adjusters and keeping detailed records that will help their case and other things they've never had to do before. This group clearly "gets it," which is not surprising because they all have worked in the field at one point or another.

They know that when you are a high-wage earner, specializing in a heavy-duty occupation, and you get hurt at work, it's your livelihood at stake.



And that's really why we were there — to answer questions about how the workers' compensation system works when their members get hurt at work, letting them know how important it is to take the right steps after a work injury, and how we help injured workers get back on their feet so they can provide for their families. We gave away a lot of our books, consumer guides, and reports ... not as cool as a Phantom jacket, but what can you do?

Plus, Cathy, who handles all the dispatching, has an incredible collection of backstage passes and gear. I even got to try on one of their authentic "Phantom of the Opera" jackets from working on the show!

And we'll do the same for you and your family!

Brooke Birkey

EASY DEVILED EGGS

Inspired by TasteOfHome.com

INGREDIENTS

- 1/2 cup mayonnaise
- 2 tsp milk
- 1 tsp dried parsley flakes
- 1/2 tsp dill weed
- 1/2 tsp fresh chives, minced
- 1/2 tsp ground mustard
- Salt, paprika, garlic powder, and pepper, to taste
- 12 large eggs, hard-boiled
- Fresh parsley, minced, and paprika for garnish

DIRECTIONS

1. In a large bowl, combine mayonnaise, milk, parsley flakes, dill, chives, mustard, salt, paprika, garlic powder, and pepper. Mix well and set aside.
2. Cut eggs lengthwise and remove yolks carefully to preserve egg whites.
3. In a small bowl, mash yolks.
4. Mix mashed yolks with mayonnaise mixture.
5. Spoon or pipe the mixture back into the egg whites.
6. Garnish with fresh parsley and paprika. Refrigerate before serving.

A REMINDER ABOUT OUR COMMUNICATION POLICY



We don't take any inbound calls or answer emails or texts when we're working on your case because what we do for you and the people we help is too important to be interrupted. Naturally, we have a system to give you regular updates, but if you need to talk to us, just call or send us an email and we'll schedule a time to talk right away — and that time with you is also 100% free from distractions or interruptions, guaranteed!

PART III: HOW TO LOSE YOUR LONG-TERM DISABILITY APPEAL

GET CAUGHT UP ON MARK'S STORY IN OUR FEBRUARY AND MARCH EDITIONS!

Mark submitted his claim, but it was denied.

He read the denial letter. It was several pages long, and he was informed that he had a right to appeal the denial within 180 days of getting the letter. From there, he didn't know where to go. So, like most people, Mark asked his family, friends, and coworkers. His HR person at work didn't know any more about the appeal process than he did.

Mark thought that because he was claiming disability due to legitimate injuries — remember, he had broken several bones, he had undergone surgery, and his doctors said he couldn't go back to his usual job — there was no need for a lawyer. Unfortunately for Mark, he couldn't have been more wrong.

Mark didn't really understand the terms and definitions of the disability policy; it was the first one he'd ever read. He didn't understand that *the insurance policy had a discretionary clause*, and he would have to focus his appeal on whether the insurance company's decision was "reasonable," not on whether his injuries were real.

Good information on long-term disability claims in D.C. is hard to find, and Mark didn't follow our six tips on preparing an appeal after a claim is denied. He didn't know he could request his complete claim file from the insurance company and that was the first thing he should do.

Mark just filled out the forms and sent them to his doctors' offices. But he never wrote to the doctors or met with them to explain the definition of disability in the policy. While many doctors want to help, they are busy and don't have time to consider that every long-term disability policy is a little different, so they go with their own, "common sense" definitions.

Mark also wasn't sure of the exact dates for many items, so he estimated as best he could. After all, a lot had been going on, so how could anyone expect him to remember so many exact dates? When compared to the records that the hospital and his physical therapist kept, it was obvious the dates Mark were claiming weren't consistent with what took place. A couple of days here and a few days there added up to major differences, and it made Mark seem like he couldn't "keep his story straight" when he was questioned further.

Also working against Mark was the fact that he was unable to provide a key part of his record that he requested from the hospital that took his X-rays. He initially asked for the record of the X-rays, and what he received were the reports but not the images themselves. He needed those to show to an expert orthopedic surgeon who could explain the weakness and lack of motion he had after surgery. By the time he got the actual images, there wasn't enough time to get this done. He couldn't get an appointment in time. (Remember, doctors are busy.)



Nobody knew his job better than Mark, but he never took the time to submit a detailed job analysis or get a Functional Capacity Evaluation to show he could not perform the critical duties of the job because of his injury. (He wasn't sure what kind of job description the insurance company was using; he just figured they had it.)

Mark ultimately ended up having his appeal denied. He figured he would have to sue the insurance company in D.C. to get his disability benefits (and he was right about that). *But he soon found out that he didn't have much of a case* because the federal judge who would decide the ERISA disability lawsuit would decide it based on the appeal Mark did — the administrative record. So Mark wouldn't be able to fix the mistakes he made or add to the appeal.

This is a sad but, thankfully, fictional tale. We tell this story because there are a lot of Marks out there.

Don't let Mark's story be your story. If you've suffered an injury or accident and have an ERISA long-term insurance disability case, reach out to Donahoe Kearney today.

Mark is a composite fictional character we created in order to help people understand the difficulty that can be involved in an ERISA long-term disability insurance claim and see how you can get the help you need to be successful if your claim is denied.

Want more?

Frank R. Kearney, Esq.

Contact Donahoe Kearney

Serving injured workers, malpractice victims, car accident victims and denied disability claims

202-393-3320

the insurance company won't know what hit em'

Keith W. Donahoe, Esq.

DANCING IN DC CHECK OUT DC'S SWING DANCING COMMUNITY



When I moved to D.C. 10 years ago, it was because I wanted to do something with my political science degree. After all, where better to live if you want to pursue a career in that field? Living in the capital of the United

States was new and exciting back then, but as many long-time D.C. area residents know, that excitement comes with an unrelenting pace of daily life. It helps to have outlets for letting go and having fun. That's where swing dancing comes into play.

I first learned how to swing dance when I was in college back in 2004. I can do East Coast Swing, Lindy Hop, and a few others. When I initially arrived in D.C., I was pretty happy to find a few organizations around the city where I could keep dancing. The biggest local one is Gottaswing. They put on a lot of dances and events such as Speakeasy Nights.

I've been to dances all over the city. They hold them in churches with big fellowship halls, old renovated fire stations, and event centers. Sometimes we'll get live music to

dance along with, like the Foggy Bottom Whomp-Stompers, who play authentic 1920s jazz at Gottaswing's Speakeasy Nights, which includes a drink with the price of admission. The D.C. Lindy Exchange (DCLX), an annual event in the city, which normally takes place in April. It's an opportunity for dancers to exchange partners and meet other dancers from all over.

Even though the culture of politics and intellectualism might overshadow the arts in D.C., there are still plenty of opportunities for self-expression and fun. You just have to look for them. So get out there and swing dance!

Brooke Birkey



CLAIM DENIED

THE UGLY TRUTH ABOUT DISABILITY INSURANCE

Why Your ERISA Long Term Disability Claim Can Be Denied By The Insurance Company Even Though You're Disabled and Can't Work (and What You Can Do About It).

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**You are looking for answers:
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Request your free consumer guide today on long term disability insurance appeals. If your claim has been DENIED we will review your denial letter for free and help you take your next steps

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