**KNOW YOUR LEGAL RIGHTS**

**How photos can strengthen your disability claim**

*Know Your Legal Rights* is a bi-monthly column distributed by the State Bar of Wisconsin. It is sponsored by the State Bar of Wisconsin’s Lawyer Referral Service (LRS), which connects Wisconsin residents with lawyers throughout the state. To find an attorney in your area, visit [wislaw.org](https://url.avanan.click/v2/___http%3A//wislaw.org/___.YXAzOmhhd2tzcXVpbmRlbDphOm86NGYwYTVmZTdjYWUyZGUyYWIxOGEyZjI4Yzc4OWQ5NWU6NjplMjFhOjJkNjI2OTUwMDk2NjViZWUzNTVlYjcyMGUwZjQ4YzQ0YTdhYTBmOGVjZmFiMThjZGJhN2M4N2FhZDk1MTZkODE6cDpUOk4).

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By Atty. Jessa Victor

People filing for long-term disability (LTD) benefits under their employer-sponsored group plan often face an impersonal process.

If a claim is denied, the claimant has a right to file an “administrative appeal” with the insurance company. If that process does not result in a claim reversal, the next step is usually to file a federal lawsuit under the Employee Retirement Income Security Act (ERISA) in which judges are required to limit their review to only the information contained in the insurer’s claim file, with no new evidence allowed in court. That means claimants do not get to testify, and judges never meet them in person.

To counter this, it can be helpful to include photographs with your LTD appeal. Photographs can visually document and substantiate the reality of your disability while also humanizing your claim. By putting a face to your case number, these images serve as a powerful reminder to the judge that the case involves a real person, not just paperwork, fostering a greater sense of understanding and connection to your situation.

Here are some examples of the types of photos you can use to strengthen your LTD case.

**Medical-Related Evidence**

*Photos of Surgical Sites or Injuries*. If your condition involves visible physical injuries, such as post-surgery scars or swelling, include clear, date-stamped photos.

*Images of Assistive Devices*. Pictures of medical equipment you rely on, such as wheelchairs, walkers, braces, or oxygen tanks.

**Day-to-Day Life Impact**

*Home Modifications*. Photos of any adjustments you’ve made to accommodate your disability, like grab bars, stairlifts, or hospital beds at home.

*Workplace Adjustments*. Images of modifications or inability to perform certain tasks at your workplace.

*Daily Activities*. Pictures showing struggles with routine activities, such as dressing, cooking, or grooming.

**Injury- or Condition-Related Context**

*Accident Scene*. If your disability was caused by an accident, include pictures of the scene, if applicable (such as car crash, unsafe workplace conditions).

*Progression of Symptoms*. Series of dated images showing the progression or worsening of your condition over time.

**Visual Impact of Symptoms**

*Visible Swelling, Deformities, or Skin Conditions*. Include pictures that visibly show symptoms (e.g., swollen joints for arthritis, rashes for autoimmune conditions).

*Physical Limitations*. Photos of how your body’s mobility or functionality is restricted (such as the inability to fully extend a limb).

**Supporting Evidence from Events or Activities**

*Missed Activities*. Photos showing events you could not attend or participate in due to your disability (such as a photo of your family at a gathering without you, with an explanation).

*Comparative Before and After*. Show what your life looked like before and after the onset of your condition (such as before being active and now requiring assistance).

**Presenting the Evidence**

Attorneys recommend including date-stamped photos to verify when they were taken. If a camera does not automatically date images, claimants should document the date manually and reference it in their appeal letter.

A written explanation of the photos’ relevance is also crucial. Submitting pictures without context may leave insurers or judges uncertain about their significance.

**Need More Help?**

Navigating the complexities of the claim process can be overwhelming, especially when you are already dealing with the challenges of a disability. Find an experienced attorney near you to prepare a strong appeal, ensuring that all necessary documentation and evidence are included and advocating on your behalf throughout the process. With guidance, you can feel confident that your claim is being handled with expertise and care, giving you the best chance of securing the benefits you deserve.

**About the Author**

*Atty. Jessa Victor is a shareholder in Hawks Quindel’s Madison office. Attorney Victor has successfully secured clients’ LTD benefits from major insurance companies such as The Hartford, New York Life, and Unum, among others, and has successfully litigated cases in both the district and appellate courts. To find a lawyer near you, visit* [*wislaw.org*](file:///%5C%5Cnet.wisbar.org%5Cshares%5CDepts%5CComm%5CComm%5CPublic%20Relations%5C2025%5C2025%20Media%5C2025%20Legal%20Rights%5C04-April%202025%5CLTD%20Claim%5Cwislaw.org)*.*