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Aug 21

Uncovering the Secrets of Insurance Company Surveillance

- Filed under Claims Process (<https://www.dicclaim.com/category/claims-process-2/>)



Surveillance is an issue that has been mentioned in

experiences of a claims handler,

that can trigger different types of surveillance. In response to several questions about specific surveillance techniques and how to handle them, I'd like to explain some of the more common tactics used on a regular basis by insurance companies.

Personal Data & Background Research: One of the first actions taken by insurance companies and their private investigators is to delve into the on-line background information available for a claimant. It's become a cliché about how much information is available on the Internet. This can involve criminal checks, marriage/divorce records, property records, business registrations, etc. Insurance companies and private investigators also have access to non-public information, such as pharmacy records and neighborhood canvasses. To the surprise of many claimants, insurance companies obtain vast amounts of personal information about claimants without even talking to them. As a rule of thumb, it's always safe to assume the insurance company knows or will find out about your personal and financial history. We have even seen instances where investigators get access to gym club membership lists or tee times at golf courses, so don't take anything for granted about your claim.

Meetings & Interviews: Anytime claimants meet with or talk to a claims examiner or field rep, they're essentially under surveillance. If a claims examiner asks to meet in your home, they are trained (and expected) to inspect the surroundings to see if there are any inconsistencies from the story of your claim. Insurance companies hire experienced investigators and train them further on how reports to be used in disability claims. For example, if you have a bad back and had to fire your housekeeper due to financial c the investigator will make sure to note the immaculate condition of the exterior and interior of your house in his or her report, wh

then become the basis of assumptions – that you must be able to clean and repair your home. Or, if you sit for an extended period of time to talk with the field rep in spite of being in pain, the field report will include such observations that you are able to sit and work for extended periods of time despite whatever documentation was already provided.

Field Surveillance: An insurer may request a private investigator to produce a visual record of your daily activity for short period of time, usually two or three days. Laws stipulate that all surveillance must be done from a public area and the claimant must be in plain



view. For example, it's illegal for an investigator to record you while walking through a store or peer

into your residence from a neighbor's property. If you feel like you're being watched, call the police department about the suspicious vehicle or person. Never, ever do this yourself. If an investigator can't locate you during their assigned timeframe, they may call and try to get you (or whomever answers the phone) to tell them where you are or ask for another number or location where you can be reached. It's common sense to be cautious of these types of phone calls anytime, but especially if you suspect surveillance. And of course, never, ever give out any personal information to any unfamiliar individual.

Activity Log Surveillance: This type of surveillance is common around the time an insurer demands an IME (Independent Medical Examination) from the claimant. During the days before and after a scheduled IME, the claims adjuster will often contact a claimant and request a detailed log of their activities and medical status. Also during those days, a private investigator may be assigned to follow the claimant and record any physical activities that contradict information recorded in the activity log or reported during the IME. It's important to understand that Federal law prevents surveillance from being put into a different context or done under pretext. As long as you don't exaggerate your conditions or utterly misreport your restrictions and limitations during the IME, this type of surveillance should not be too problematic.

Evasive Surveillance: If an investigator is worried about being discovered by the claimant, they may use more advanced measures to avoid detection. The evasive tactics are much more subtle and take an experienced eye to uncover. An example of this type of surveillance involves a two-car (<http://en.wikipedia.org/wiki/Automobile>) follow system. As the claimant drives around, there are two cars following. At each turn, the car immediately behind the subject will continue straight while the second car begins following. This is to ensure the subject doesn't notice the same car following them for long periods of time. Obviously, this type of surveillance is very hard to plan for and is always changing, so it's vital that claimants are always aware of their surroundings and activities and who may be watching.

Social Media Surveillance: This is a relatively new avenue for surveillance, but has paid enormous dividends to the insurance companies. People often try and create a life over social media that does not represent their normal day-to-day activities, and this may hurt your claim. For more information on this type of surveillance, please read our earlier blog on watching out for your social media presence. (<http://royalclaimsadvocates.wordpress.com/2012/03/23/watch-out-for-your-social-media-presence/>)

In addition to these tips and signs to watch for in specific types of surveillance,

there

are several important facts that all claimants should be aware of when protecting themselves against unfair and malicious surveillance. First, surveillance alone is not enough reason for an insurance company to deny your disability claim. Normally, they will obtain contradictory visual evidence and present it to your attending or certifying physician along with a request to reconsider their pre-opinion of your disability. If your physician reduces your restrictions and limitations, the insurance company may knock out the medical basis for your disability claim.


Also, the total value of your benefit payments plays a major role in the likelihood of surveillance. The amount of reserves set for a claimant's disability benefits must justify the cost of the surveillance. The cost of each surveillance operation varies, but surveillance costs usually range from \$2,000 – \$5,000. This means that relatively high-value claims are more likely to be subject to surveillance than low-value claims. In fact, almost every high-dollar claim our firm has been involved with has undergone several different types of surveillance.

Insurance company ordered surveillance can be a very intimidating tactic, and it's important to understand the techniques used by these private investigators. By submitting a disability claim, your insurance policy gives the insurance company the right to delve into your personal, professional, and financial background during a time when many claimants are not physically or mentally at their best. If you're uncomfortable talking to a claim examiner or are worried they're making unfair observations during an interview, you can stop and reschedule the conference, then plan your meeting in advance. Make sure you have a copy of your policy and understand the rights given to your insurance company. Some insurance companies have been known to invoke rights that they don't actually have under the policy. Finally, if you become scared or intimidated by a private investigator, don't be afraid to contact your local police department to confront the investigator.


Many of the rules and tips provided in this article have different applications in California due to its more restrictive "paparazzi laws" that may cause different types of surveillance or different rules of engagement to be used. If you have questions about your California disability claim, please call our offices at (855) 828-4100.

If you have any further questions or concerns about insurance company surveillance techniques in your specific claim or would like more information on another topic, please do not hesitate for call our offices at (855) 828-4100 or visit our website (<http://www.royalclaimsadvocates.com/#!home/mainPage>) for a free consultation.

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1.
 - Alpha 1 Legal (<http://alpha1legal.wordpress.com>) on August 13, 2013
 - # (<https://www.dicclaim.com/2012/08/21/disability-insurance-surveillance/#comment-73>)
Very interesting comments made here. Are not some of these illegal over there in the US?
1.
 - 6 Potential Pitfalls of Your Chronic Back Pain Disability Claim | Royal Claims Advocates (<http://royalclaimsadvocates.wordpress.com/2012/12/05/6-potential-pitfalls-of-your-chronic-back-pain-disability-claim/>) on December 5, 2012
 - # (<https://www.dicclaim.com/2012/08/21/disability-insurance-surveillance/#comment-67>)
[...] aware for surveillance. Surveillance is a common tactic used by insurance companies to intimidate some claimants and find new reasons to deny others. [...]
2.
 - 10 Ways to Protect Your Disability Claim in 2013 | Royal Claims Advocates (<http://royalclaimsadvocates.wordpress.com/2013/01/17/10-ways-to-protect-your-disability-claim-in-2013/>) on January 17, 2013
 - # (<https://www.dicclaim.com/2012/08/21/disability-insurance-surveillance/#comment-68>)
[...] Be wary of insurance company surveillance. Another common tactic insurance companies use to deny claims is surveillance. They hire third-party private investigators to capture video evidence that's often misconstrued to dispute your impairments and terminate your benefits. From contacting your friends and neighbors to invading your privacy, some private investigators will use creative and unprofessional (and even borderline unethical) tactics to get the information they're hired to get. [...]
3.
 - 3 Reasons Your Invisible Disability Benefit Claim Was Denied | Royal Claims Advocates (<http://royalclaimsadvocates.wordpress.com/2013/02/11/3-reasons-your-invisible-disability-benefit-claim-was-denied/>) on February 11, 2013
 - # (<https://www.dicclaim.com/2012/08/21/disability-insurance-surveillance/#comment-69>)
[...] companies have a host of resources at their disposal, such as in house doctors, attorneys, and private investigators. There have trained and experienced professional investigators available to go through every [...]
4.
 - 6 Tips To Keep Your Disability Claim Moving | Royal Claims Advocates (<http://royalclaimsadvocates.wordpress.com/2013/02/26/6-tips-to-keep-your-disability-claim-moving/>) on February 26, 2013
 - # (<https://www.dicclaim.com/2012/08/21/disability-insurance-surveillance/#comment-70>)
[...] insurance company to terminate your benefits. This is a prime time for video surveillance, and as we've mentioned before, some private investigators will use any information they can to please their client, even if [...]

5.
 - March Madness: Our Elite Eight Blog Posts | Royal Claims Advocates (<https://www.dicclaim.com/2013/03/27/march-madness-our-elite-eight-blog-posts/>) on March 27, 2013
 - # (<https://www.dicclaim.com/2012/08/21/disability-insurance-surveillance/#comment-71>)

[...] Uncovering The Secrets Of Insurance Company Surveillance: This is our most popular blog post, so many people realize to be aware and concerned about surveillance. This tactics is so intimidating to those trying to obtain their rightful benefits, so having an idea about some of the different techniques used by investigators is a reassuring tool to have. [...]
6.
 - 3 Major Questions of a Total and Permanent Disability Claim | Royal Claims Advocates (<https://www.dicclaim.com/2013/07/08/3-major-questions-of-a-total-and-permanent-disability-claim/>) on July 8, 2013
 - # (<https://www.dicclaim.com/2012/08/21/disability-insurance-surveillance/#comment-72>)

[...] issues that claimants who are permanently disabled may need to know, and we've written a previous article about surveillance and how to effectively deal with investigators. [...]
7.
 - Bringing Your Vision-Based Disability Claim Into Focus, Part 2 | Royal Claims Advocates (<https://www.dicclaim.com/2013/09/12/bringing-your-vision-based-disability-claim-into-focus-part-2/>) on September 12, 2013
 - # (<https://www.dicclaim.com/2012/08/21/disability-insurance-surveillance/#comment-74>)

[...] that the insured is still able to perform their job duties. In cases where the insurance company uses surveillance, the activities on video can be taken out of context if the insured is going into public and [...]

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