



JOHN BALES
ATTORNEYS

SOCIAL SECURITY FREQUENTLY ASKED QUESTIONS BOOKLET

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**[THIS BOOKLET SHOULD ALWAYS BE ATTACHED TO L.C.ATR EXECUTED-
SOCIAL SECURITY WITH BOOKLET AND SURVEY.-- ANY REVISIONS TO THIS
BOOKLET MUST ALSO BE MADE TO (1) TEMPLATE COPY OF BOOKLET
ATTACHED TO THE ABOVE LETTER AND (2) TEMPLATE COPY IN PLEADINGS
TAB/CATEGORY -- ALWAYS UPDATE TABLE OF CONTENTS]**

SOCIAL SECURITY
FREQUENTLY ASKED QUESTIONS (FAQ) BOOKLET

The following provides a short overview of answers to some of the questions our clients ask about their cases. Each claim has its own set of facts that makes it virtually impossible for there to be only one answer applicable to all claims. However, the below may give you some insight into how your claim may proceed. We want all of your questions to be answered. Of course, we encourage you to call us, if you want to discuss your particular case.

This booklet is a confidential communication protected by the attorney-client privilege, work product doctrine, and other Florida and Federal laws. In order to preserve these privileges, do not make copies of this booklet, or discuss its contents with anyone except an attorney, law clerk, or client manager from John Bales Attorneys.

The following Table of Contents – Reference Guide is provided to aid review.

TABLE OF CONTENTS – REFERENCE GUIDE

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I.	<u>YOUR LAW FIRM – JOHN BALES ATTORNEYS</u>	

Your John Bales Attorneys team consists of attorneys, client managers, law clerks, investigators, and other support staff. Our attorneys have many years of combined experience in representing people like you. John Bales Attorneys is “AV” rated, the highest rating given by the lawyer rating service of Martindale Hubbell. The use of advanced technology, such as case management software, document imaging, and an in-house law library with computer-based legal research resources, further

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enhances our ability to pursue your claim. Our case management software allows your entire team to manage your case.

Attorneys that practice on the pretrial team will prepare your case during that time period. If litigation is necessary, trial attorneys will handle that phase. In some instances, we may have other law firms participate in your representation. This will not increase the amount of the attorneys' fees or costs. Of course, we will advise you if this should occur. We believe this innovative team concept helps us to more efficiently pursue your claim. Please understand that as your case progresses, your team of attorneys and client managers may change to improve service to you and assist in the effective resolution of your case. We will keep you advised of any such changes in your team.

Please consider going to our website, www.johnbales.com, or the booklet titled "*Information About John Bales Attorneys*", which was included in your initial representation package to obtain additional information about us.

II. COMMUNICATING WITH YOUR JOHN BALES ATTORNEYS TEAM

As you know, communications between you and us as your law firm are important and are protected by the Attorney/Client Privilege. These communications can be by telephone (home, mobile, and work), in person meetings, email (personal only), and/or mail to the address provided above, which will be used by us to provide documents to you. Accordingly, please immediately advise us in writing of any change to telephone numbers (home, mobile, and work), email addresses (personal only), and/or your mailing address. Unless you notify us otherwise in writing, we will be using the above address for all communications with you as is appropriate.

Please keep in mind that the Attorney/Client Privilege only applies to communications between you and members of the firm, and you should not discuss your case with anyone or provide them with any of the documents from our firm because such communications may then become discoverable. Additionally, you should not be receiving any communications from our office at your work email, only your personal email. There have been court decisions holding that emails sent to an office email address is not protected by the Attorney/Client Privilege.

A. YOUR CONTACT INFORMATION

Being able to communicate with you about your case at any time is very important. If you have not already done so, please provide us with the following contact information so that we may use it to contact you throughout the course of your case:

1. Home Address
2. Home Phone Number
3. Cellular Telephone Number

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4. Personal Email Address (Please do not provide us with a work or school email address because any communications sent to a work or school email address are likely not protected by attorney-client privilege)

B. YOUR EMERGENCY CONTACT INFORMATION

Please also provide us with the following information for any emergency contact(s) that we may contact if we are unable to reach you using the above methods:

1. Emergency Contact(s) Name
2. Emergency Contact(s) relationship to you
3. Emergency Contact(s) Home Address
4. Emergency Contact(s) Home Phone Number
5. Emergency Contact(s) Cellular Telephone Number
6. Emergency Contact(s) Personal Email Address

Although you are providing us with contact information for your emergency contact(s), we will not discuss your case with them unless you give us permission to do so. Generally, we will contact an emergency contact if we are unable to reach you. Of course, if you would like for us to discuss the case with your emergency contact(s), you can contact me and we can discuss the risks and benefits of such including, but not limited to, the lack of attorney-client privilege for any discussions for which the emergency contact is involved.

If any of the contact information changes for you or any of your emergency contact(s), please let us know immediately. If you will be out of town for an extended period of time, we request that you inform us of this as well.

C. CONTACTING YOUR JOHN BALES ATTORNEYS

You will have a “point of contact” attorney. You will also have other attorneys and team members that you can speak to when your point of contact attorney is not available. Although your attorney may not always be immediately available to answer your questions directly, you may be able to obtain an answer to most of your questions from another member of your team. Additionally, you can always ask to speak to the Staff Administrator, who is also dedicated to serving you.

For your convenience, we offer local telephone numbers for our clients to call our office at any time. To find the local telephone number in your area, ask a member of your team or go to our website, www.johnbales.com and click on “Contact Us”.

III. WHEN YOU SHOULD CALL US

You should call us if:

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1. You get a notice of hearing;
2. You get a decision from Social Security;
3. You receive any other document/letter from Social Security;
4. You have to enter the hospital;
5. You see a new doctor or other health care provider;
6. Your doctor tells you that they have discovered that you suffer from an illness that they did not know about previously and did not tell us about;
7. Your doctor tells you that he will give you an opinion about you being disabled;
8. There is any other major change in your conditions or health;
9. You receive any money from Social Security Administration;
10. You receive any paper from Social Security Administration;
11. You receive any telephone calls from Social Security Administration;
12. Your address, email address, or telephone number changes; or
13. You return to work; and
14. You have any questions or comments about your case.

IV. KEEPING US INFORMED

Please immediately inform us of any developments or changes that may affect your claim. We need to know of anything that you think helps or hurts your claim so that we can consider it when evaluating your claim. All information and documentation is important in your and our effort to be successful in your case.

V. CORRESPONDENCE

At various times throughout your case, you may receive correspondence or other documents from us. Please review them carefully and comply with any request as soon as it is received. The faster we receive all necessary information, records, and documentation, the sooner we can present your case to the Social Security Administration.

VI. OVERVIEW OF YOUR CASE

A. INITIAL APPLICATION STAGE

The Initial Application Stage is the first step in pursuing your Social Security Disability Claim. This is the process where we can help fill out your application and gathering and providing the necessary documents to pursue your Social Security Disability claim for benefits. Your file is then submitted to the Social Security Office for the review process to be either approved or denied.

You will have to answer many questions regarding your disability, your work history, and your daily life activities. The Social Security Administration will provide you

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with forms to fill out or to give your healthcare providers to complete. You will likely have to fill out an Activities of Daily Living Questionnaire to give the Social Security Administration a clear picture to the extent your disability limits your quality of life. You will be asked to provide personal information, and documents to support this personal information. For example, you will be asked to provide:

1. Your Social Security number.
2. Your birth or baptismal certificate.
3. Names, addresses and phone numbers of the doctors, caseworkers, hospitals and clinics that took care of you.
4. Dates of your doctor visits.
5. Names and dosage of all the medicine you take.
6. Medical records from your doctors, therapists, hospitals, clinics, and caseworkers that you already have in your possession.
7. A complete, detailed work history including where you worked and the kind of work you did.
8. Your most recent W-2.

The more information you provide to the Social Security Administration, the better opportunity for your application to be processed. If you do not have all of this information ready, we can still apply for benefits but be aware that your application will take longer to process.

After submitting your initial application, the Social Security Office will check to see if you qualify for Social Security Disability benefits. The Social Security Office will check whether you worked enough years to qualify, evaluate any current work activities and determine if your disability will last longer than twelve months. Once this initial evaluation is complete, your application will be forwarded to the state's Disability Determination Services office.

The Disability Determination Services office will examine all of the questions you have answered and the documentation you have provided. The Social Security examiner will ask your doctors about your medical conditions, how your medical conditions limit your activities, and what kind of treatment you have received. Additionally, they will ask your doctors to evaluate your ability to do work-related activities. In some cases, the examiner will require additional information. The Social Security examiner may require you to attend a consultative exam and, in some cases, request more than one consultative exam. This exam may be performed by your own doctor, but in some cases the exam may have to be done by someone else. Social Security may pay for the exam and some of the related travel costs.

The Disability Determination Services office uses a five step process to decide if you are disabled.

1. Are you working?
2. Is your medical condition "severe"?

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3. Does your impairment(s) meet or medically equal a listing?
4. Can you do the work you did before?
5. Can you do any other type of work?

These factors are subjective, based on your work history, your health history and your age. The examiner will evaluate the facts of your case under this process to determine whether you are disabled and qualify for benefits.

Once the Disability Determination Services office makes a decision about your claim, they will send you a letter. If you are approved for benefits, the letter will detail the amount of your benefits and when they start. If you are denied benefits, the letter will explain why the Disability Determination Services office denied you benefits and how you can appeal the decision if you disagree with it.

Most often, your claim is denied at this phase.

B. REQUEST FOR RECONSIDERATION STAGE

If you were denied benefits from your initial application, that does not mean you are precluded from ever receiving benefits. You can file a request for reconsideration. Some people mistakenly submit a new application instead of appealing the decision. You will likely be denied if you submit a new application. It is usually more helpful to file a request for reconsideration on your existing claim.

Reconsideration is the first step of the appeal process. Once your initial claim has been denied, you must file for reconsideration within 60 days of receiving notification from the Social Security Administration. If you fail to file for reconsideration in this time period, you will have to submit a new application entirely. You must submit this request in writing.

Your file will be sent to the Social Security office for review. A new examiner, who did not take part in the first decision, will review your file. The examiner will look at all evidence submitted when the original decision was made, plus any new evidence. It is important to remember, this examiner will be following the same criteria as the first examiner. Thus, there is a good probability that this examiner will reach the same conclusion as the previous examiner and deny your claim.

Usually an application is approved in the reconsideration phase only if there was vital information left out of the initial application. Approximately 86% of claims are denied at the reconsideration level. Additionally, this process takes even more time. It can take anywhere from three to six months for your application to be approved or denied during the reconsideration stage.

If your reconsideration request was denied, you may ask for a hearing with an Administrative Law Judge.

C. ADMINISTRATIVE LAW JUDGE HEARING

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If your request for reconsideration was denied, you must file a request for a hearing within 60 days of receiving the Social Security Administration's decision. If you do not file a request for hearing in this time period, you have to begin the application again, beginning at the initial claim phase. It is imperative that you file a request for a hearing as soon as possible.

The Disability Determination Services office is no longer reviewing your case. Instead, an Administrative Law Judge will hear your case and make a decision based on your testimony and the evidence you present at hearing. Your attorney will prepare you for this hearing process so that you will be able to give your best testimony and evidence.

We will inform the Social Security Administration that we are representing you and, if necessary, ask the Social Security Administration to give you a hearing. We will request from the Social Security Administration a copy of your file. After getting a copy of your file, we will review it to determine whether additional records are needed from your doctors, clinics, and hospitals. If necessary, we will obtain additional records and send it to the Social Security Administration. It is also important, during this phase, that you continue medical treatment, gather any medical records you have and forward to our office, and update us of the names of your treatment providers.

If a hearing is necessary, we will prepare you for the hearing. We will, of course, represent you at your hearing and ask you questions. If we decide any witness(es) other than you are needed at your hearing, we will discuss that with you in advance. We will monitor your case to make sure that the Social Security Administration does not lose it, forget to give you a hearing, or send you a decision. If we win, we will continue to emphasize to the Social Security Administration the need to make benefit payments to you. If you lose, we will talk to you about your options.

The good news is that once you are in the hearing stage, your chance of receiving Social Security Disability benefits is better than in the initial and reconsideration stages. In the range of sixty percent of applicants who have a hearing are awarded benefits. However, if you are denied benefits by the Administration Law Judge, you still have further options.

D. APPEAL PHASE

If you disagree with the hearing decision, you may ask for a review by Social Security's Appeals Council. The Appeals Council looks at all requests for review, but it may deny a request if it believes the hearing decision was correct. If the Appeals Council decides to review your case, it will either decide your case itself or return it to an Administrative Law Judge for further review.

You will need to retain another attorney if you wish to appeal an adverse decision by the Administrative Law Judge. As stated in the "Authority to Represent for Social Security Cases Agreement", we do not normally handle the appeal. If in the rare case that we decide in our sole discretion do so, a separate written agreement must be executed between you and our firm.

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VII. LENGTH OF TIME FOR EACH PHASE

A. INITIAL APPLICATION PHASE

Processing an application for disability benefits can take anywhere from three to five months or longer. In very rare circumstances, if you have a severe disability that qualifies for the Social Security's Compassionate Allowance program, your claim will be processed faster. But the majority of applicants can expect to wait months before hearing from the Social Security Administration regarding their initial application.

B. REQUEST FOR RECONSIDERATION PHASE

The reconsideration phase can take just as long as the initial application phase, lasting from three to five months or longer. Again, it is important that you quickly respond to any requests for information or documents made by the examiner so that your case can progress.

C. ADMINISTRATIVE LAW JUDGE HEARING PHASE

Unfortunately the Social Security Administration has a backlog of cases. As of February 2017, the average wait time until a hearing is held in Tampa is nineteen (19) months or longer. That means the average applicant requesting a hearing will have to wait over a year and a half before their hearing is scheduled. Adding in the wait times for the initial and reconsideration phases, along with the delay in actually receiving your benefits after your hearing, you are potentially facing a process that takes three years or more.

We will try to move your case along, but you must understand that this is a slow process. The following are average lengths of time it may take for certain actions to happen. It will give you some feeling of how long it will take, but does not necessarily mean it will not take even longer.

1. To get a hearing after the request for reconsideration is denied and you request a hearing, **16 to 22 months or more**;
2. To get a decision after you have a hearing, **2 to 4 months or more**;
3. To get the first payment of benefits after a favorable decision, **2 to 3 months or more**;
4. To have all back benefits paid after a favorable decision, **2 to 3 months or more**.

If you think all this takes entirely too long, we agree, and strongly urge you to write or call your Congressman and tell him or her how unfair you think these delays are.

We understand this is a very frustrating process, as it is painfully slow and you are in need of benefits and support. We encourage you to remember that, above all

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else, your health is your first priority. Continue treating during this time period and regularly check in with your medical providers.

Also make sure to keep your attorney or client manager informed of your status during this period. It is important that your attorney is aware of any changes so that your medical records can be updated in preparation for your hearing. Although we are here to help you, we need your full participation. Staying on top of your case, even when there are long and annoying delays will help us best pursue your claim.

VIII. PREPARATION FOR ADMINISTRATIVE LAW JUDGE HEARING

A. OBTAIN YOUR MEDICAL RECORDS

You can and should get medical records and reports from your doctors, clinics, or hospitals. Any help you can give will only further help your case. Of course, we need a copy of any records you obtain so that we can use them in presenting your case. We would especially appreciate any disability pension related form completed by your doctor.

B. WITNESSES

An important way to help establish your claim is to obtain statements from eye witnesses who are willing to describe their first-hand knowledge of your disabilities. Accordingly, we request that you provide us with the names and contact information for family members and friends that are aware of your disabilities and willing to testify about them.

C. CRIMES COMMITTED

You should immediately inform us of any crimes you have been accused of within the past twenty (20) years regardless of whether or not you pled guilty or were convicted for the crime. It is common for the Social Security Administration to have a background check done on claimants and to ask the claimant if they have a criminal record. Unfortunately, a criminal record for crimes for which your punishment has ended in the past ten (10) years could be damaging to your case. Your credibility may be attacked based on your criminal record or other bad acts. This may cause the Administrative Law Judge to deny your claim.

IX. NATURE OF HEARING

Your hearing will be rather informal. The Administrative Law Judge (“ALJ”) and I will ask you questions. The questions asked should be similar to the ones that we have already asked you. The hearing will not last long and it will not be nearly as difficult as you probably think it will be.

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X. ATTORNEYS' FEES AND COSTS

The Authority to Represent for Social Security Cases Agreement (“Agreement”) that you signed prior to the start of our representation determines the amount of attorneys’ fees and costs in your case. The Agreement states, in part, the following as to attorneys’ fees:

If Client and/or any member of Client’s family obtain benefits at any administrative level through the first Administrative Law Judge (“ALJ”) hearing decision after the date of this agreement, Client agrees that Attorney’s fee for work performed before the SSA will be the lesser of twenty-five percent (25%) of all past-due benefits awarded to Client, or the dollar amount established pursuant to 42 U.S.C. § 406(a)(2)(A) and its progeny, which is currently \$6,000.00, but may be increased from time to time by the Commissioner of the Social Security Administration. Client understands that Attorney has the right to seek administrative review to increase the amount of the fee set under the preceding sentence of this agreement; but if this happens, Attorney will not ask for a fee of more than 25% of all past due benefits awarded to Client. If (1) the first ALJ hearing decision after the date of this agreement is a denial, (2) Attorney may decide in his/her sole discretion on whether to appeal, and (3) if Attorney decides to appeal and Client later obtains benefits, the fee will be 25% of all past due benefits awarded in Client’s case. Client understands that if Attorney decides in Attorney’s sole discretion to not appeal, Client will need to immediately retain a separate and independent lawyer to pursue the appeal, and, if Client does not, the pending claim may be barred if it is not continued to be pursued. Client understands that if no benefits are obtained by Client or Client’s family, Attorney will not receive a fee.

The Agreement states, in part, the following as to costs:

PAYMENT OF EXPENSES: In addition to Attorney’s fees, Client agrees to pay Attorney all reasonable expenses/costs paid in Client’s case. These costs include, but are not limited to, medical records and reports, photocopying, postage, travel expenses, deposition and transcript preparation, long distance telephone calls, and other out of pocket expenses/cost. Client will get a bill for these expenses at the end of the case that shows how and when Attorney incurred the costs. If above referenced benefits are received from SSA, Client promises and agrees to immediately notify Attorney and pay Attorney back for these expenses/costs as soon as Client benefits are received. If there is no recovery and if Attorney is not discharged prior to final resolution of the case, Client will not be responsible for costs/expenses advanced by Attorney. If there is any recovery, whether during or after the time of representation by Attorney, representation by another attorney, or without representation by an attorney,

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Attorney will be entitled to recovery of the fees and expenses/costs referenced above that were incurred in the prosecution of Client's claim.

XI. CONTACTING YOUR CONGRESSMAN

Most people who have a Social Security disability hearing contact their Congressman. Each Congressman is contacted by literally hundreds of Social Security disability claimants each year. The Congressman sends a form letter to the Social Security Administration; the Social Security Administration then sends a form letter back to the Congressman, etc. Because so many people contact their Congressmen, no one gets any special attention because of this. We still encourage you to contact your Congressman to let him or her know how you feel about how the Social Security Administration handles disability cases, but you should realize that contacting your Congressman will probably not get you special treatment.

XII. MEDICARE

In many cases, if you are filing a claim for Social Security disability benefits based upon your own earnings and you win, you will ultimately get a Medicare card. You cannot get your Medicare card until after you have already been disabled for two years and five months. If you have already been disabled for two years and five months, you should keep track of your medical bills so that you may ask the doctors and hospitals who have treated you to submit bills to Medicare. If you have already paid the bills you will get money back. Unfortunately, Medicare does not pay for prescription medications.

XIII. MEDICAID

In many cases, if you are poor enough, you will qualify for Medicaid if you win your Social Security disability case. There should not be any waiting period for Medicaid. You also have to apply specifically for it, unlike Medicare. If you have filed a claim for Supplemental Security Income, you can probably qualify for Medicaid if you win. You will not likely qualify for Medicaid unless and until you win. If you have filed a claim for Medicaid in the past, keep all of your medical bills in a safe place so that you may later take them to the Department of Social Services to get them paid if you win your Social Security case. If you have applied for Supplemental Security Income, but have not applied for Medicaid, you should now apply for Medicaid. You can only get Medicaid for three months prior to your first claim for Medicaid. You apply for Medicaid at the County Department of Social Services (not Social Security). They will probably turn you down, but if we win your Social Security case, they will later change this decision and award you back Medicaid benefits.

XIV. SOCIAL MEDIA

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PLEASE REMEMBER: It is very important that you do not discuss any part of your case with anyone except a member of our firm. This includes not discussing the case on Facebook, Google+, LinkedIn, YouTube, Twitter, MySpace, Instagram, any blog, any chat room, or any other similar social media website/application. Information and pictures posted on these websites may be discovered by the opposing party in your case and used against you. Marking these pages as private may not protect you from the information and pictures being used against you. Please advise us of any Facebook or other social media account you may have. Further, we strongly encourage you to archive your Facebook or any other social media account and stop using it during the entire time your case is pending. However, you should not destroy or delete your social media website/application or destroy any information or pictures that are currently on it. Any such destruction may be considered spoliation of evidence, which may cause the court to enter sanctions against you. You can consider reopening your website/application after your case is completed.

XV. YOUR JOHN BALES ATTORNEYS TEAM

Although your attorney team may not be able to always be immediately available to answer your questions directly, your client managers should be able to obtain an answer to most of your questions.

If you have an emergency, please consider obtaining the attorney's cell phone. Additionally, you may consider calling the Firm Administrator, who is also dedicated to serving you.

For your convenience, we offer local telephone numbers for our clients to call our office at any time. Please do not hesitate to ask us for one in your area. Be sure to program this number into your phone(s) for your convenience.

As you know, communications between you and us as your law firm are important and are protected by the Attorney/Client Privilege. These communications can be by telephone (home, mobile, and work), in person meetings, email (personal only), and/or mail to the address provided above, which will be used by us to provide documents to you. Accordingly, please immediately advise us in writing of any change to telephone numbers (home, mobile, and work), email addresses (personal only), and/or your mailing address. Unless you notify us otherwise in writing, we will be using the above address for all communications with you as is appropriate.

Please keep in mind that the Attorney/Client Privilege only applies to communications between you and members of the firm, and you should not discuss your case with anyone or provide them with any of the documents from our firm because such communications may then become discoverable. Additionally, you should not be receiving any communications from our office at your work email, only

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your personal email. There have been court decisions holding that emails sent to an office email address is not protected by the Attorney/Client Privilege.

Please understand that as your case progresses, your team of attorneys and client managers may change to improve service to you and assist in the effective resolution of your case. We will keep you advised of any such changes in your team.

XVI.YOUR REFERENCE MATERIALS

For your convenience and information, we encourage you to go to our website at www.JohnBales.com. A biography of our firm and lawyers is enclosed with your initial representation package and correspondence.

XVII.JOHN BALES ATTORNEYS ACCIDENT & INJURY TOOLKIT APP

Additionally, we have developed for your use the John Bales Attorneys Accident & Injury Toolkit app that is available on iPhones and Android phones. You can download the iPhone app in the “App Store” and the Android app in “Google Play.” The app includes a quick reference to our phone number and 911; a map locator of the nearest hospital to your current location; an accident tips checklist, a check list for capturing information about an accident; a case consulting section; an expense log, a flashlight on your phone; and a place to store a photo of your insurance card.

Of course, we encourage you to advise others of this app and hope that it will be helpful in the unfortunate circumstances when someone is hurt in an accident.

Again, please allow me to emphasize that we want all of your questions to be answered. Accordingly, we encourage you to always speak with us if you want to discuss any aspect of your claim.

XVIII. MAKE SURE ALL OF YOUR QUESTIONS ARE ANSWERED

Again, please allow me to emphasize that we want all of your questions to be answered. Accordingly, we encourage you to always speak with us if you want to discuss any aspect of your claim.

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