

Suggestions to Deal with SGI Claims

Before reading this, please understand these are JUST suggestions if I ever had to deal with SGI again. This document is NOT legal advice. Please retain a lawyer for proper legal advice. The following documentation is just some rules you may or may not want to follow, based on what has happened to me. I wish I would have had some guidelines or had something to follow when I had to deal with SGI at the beginning of my claim. You may also say these are a lot of rules and these rules are extreme but SGI is a monopoly, and there is no check or balance on the system to ensure they are acting legally.

You may modify my suggestions or eliminate some steps. That is up to you. This paper is only a guide that you may or may not follow. I have given some of these suggestions to others having trouble getting benefits from their insurance company after a car accident, and they got their benefits, and their claim finished up quickly.

And my grammar, punctuation, and editing are terrible as I am in a time crunch so please do not be too judgemental. I have a lot of dangling and squinting modifiers and split sentences. Use this as information for a claim not as a chance to critique someone's writing.

I am not responsible for any repercussions as a result of anyone following any steps in this document. This paper is a guide and should not be used in replacement of a lawyer's advice.

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THREE THINGS TO DO BEFORE A COLLISION:

1. Request a pamphlet from SGI TODAY!!!

Request from SGI **BEFORE** you get into a collision and have ALL family members that drive **memorize** it so that it is in your permanent memory both verbally and visually!!! This pamphlet should state all the benefits you get if you were involved in a collision. This process could take several days to memorize but do it!!

You do not know what type of injury you would get if you are in a collision tomorrow. You may just have a leg injury, or you may have a serious cognitive injury. My permanent memory is intact while my short-term memory is compromised and my verbal memory is worse than my visual memory. If I would have memorized the benefits getting it into my permanent memory BEFORE I got into a collision, I may have possibly gotten all my benefits because I would have started to question some of SGI's answers to me.

REQUEST A PAMPHLET TODAY!!! You are entitled to get a pamphlet if SGI is your insurance provider. Do not let them tell you otherwise. And do not let them tell you to look on the website. That is them being lazy. You pay for your premiums; you deserve to know what benefits you will get if you are in an accident.

2. Have the correct insurance coverage to meet your financial needs.

I would meet with a no-fault lawyer to find out if you have the right coverage before an accident occurs.

For example, when a province has both insurance systems in play, (both Torte and No-Fault) like Saskatchewan and Ontario, it may be better for you to choose Torte insurance for all non-drivers in your family, even if you, the driver, are under the no-fault insurance legislation. Then, when your children start driving, they can go to a no-fault insurance, if you choose. But everyone I believe is defaulted to no-fault insurance. Also, if you are a high-income earner, you may want to go to a package policy. If you just have a typical insurance policy and you are involved in an accident, SGI will ONLY reimburse 90% of your total income, not 100%. That is what is written in the legislation. 10% of a wage loss, especially if you are in a high-income bracket is a lot of money not to have if you are in a collision. I believe with a package policy; you will receive 100% of your wage. But again, please check with a qualified lawyer for your best coverage if you are a high-income earner or if you have children and make sure you meet with a qualified lawyer to help make the correct decisions.

3. Save up to \$50,000 in case of an accident or as much as you are able.

The \$700 you pay if you are in an accident is the deductible to start a claim. That is it. But once you are in an accident, there will be costs that start to stack up that SGI MAY NOT cover and you will have to go to court to get these costs reimbursed. If it is a simple accident, you will not need that much extra money but if it is a serious accident OR if you do not receive your benefits in a timely matter, this extra money will be a lifesaver to you. Example) I did not receive ANY therapy IMMEDIATELY after being released from the hospital. My parents had to pay for it and rearrange ALL my therapy immediately AFTER my release from the hospital. SGI wanted to wait a month to get reports done BEFORE starting my therapy. This is where you will need the money. SGI is SLOW!!

THREE PEOPLE TO CONTACT AFTER AN ACCIDENT

I would contact at least three specific people immediately. I would contact 1) a lawyer, 2) a computer specialist and 3) a family member to assist you in your claim. These are your experts in your claim.

1) I would consult a lawyer as soon as you are in the accident with an injury.

If you are not able to do this yourself, get a friend or family member to get a lawyer for you. I would not just get a general lawyer or a lawyer from your hometown. Whenever I contacted a general lawyer, they just stated, "SGI HAS to tell you the benefits." That is not 100% true. The LAW states SGI has to tell you your benefits. But that is not what SGI always does. Similarly, the LAW states, everyone must stop at a red light, but not everyone does. This is part of the reason why the government implemented "Red Light" cameras, and we have police clocking our speed. **Just because the law states something, that does not mean people or corporations follow the law.** And currently, the Government of Saskatchewan allows a monopoly to provide auto insurance coverage without any **checks or balances**. If Saskatchewan had a free market system for auto insurance, this would not be needed as the free market system is extremely efficient. If you don't believe me, google or youtube the name "*Milton Friedman*". He is an economist who received the 1976 Nobel Memorial Prize in Economic Sciences for his research. He talks about the free market. And he is pretty funny too -- He has a lot of dry wit.

Ask the lawyer if there is a specific way he or she would organize receipts. I have sooo much trouble with that aspect of my claim.

Compare bringing in a lawyer at the beginning of your auto claim like a softball game.

You do not want to bring in your star pitcher in the 9th inning with the bases loaded. Bring your lawyer to the beginning of this game. Not when you have problems with specific issues with your claim.

2) I would consult with a computer expert.

He or she would be able to help you organize all your electronic messages you get from SGI. You will get so much correspondence from SGI ; it is unbelievable. And you have to know how to organize these documents properly both electronically and physically in case you need this information again.

3) I would have a designated family member or friend help you with your claim.

This person can get an objective point of view and help remember facts that your adjuster or your lawyer told you, especially if you have a brain injury.

I would make sure I would visit your experts, especially your lawyer every six months or less to make sure everything is going as planned and you are getting all the benefits you need, and that your files are very organized.

FIVE STEPS TO DO BEFORE YOUR FIRST MEETING

You will have to be meticulously organized!!! Meticulously!! **Please ask your lawyer and your electronic expert for help with this.** Assume you will eventually disagree with SGI about a course of action that needs to be taken in your rehabilitation and that you will need to go to court for an issue. These records you have kept may become your angels one day.

After years of dealing with SGI, these are some suggestions of what I would do differently when dealing with SGI:

- 1) Make sure you read "Cash and Crash" by Kenneth Noble.

I don't know where you can get this article from or how much it costs. But buy it and read it!!! You will learn a lot.

- 2) Have 1- 2 BIG white binders about 3 or 4 inches thick to keep your physical papers in.

Make sure the binders are labeled appropriately. These binders should go on your bookshelf. You can choose any color of binder but choose one color and dictate that binder as an SGI file book so that when you see that binder color you will know RIGHT AWAY that the binder has to deal with SGI and nothing else.

- 3) Organize your email account to facilitate all your emails you receive from SGI.

I would also have a hard file of these emails which you can hole punch to put into one of your BIG white binders.

- 4) Any mail or letters or other documentation you get from SGI, do three things to it:

- i. Put it in another large (probably 3 or 4 inch) binder. Put EVERY piece of paper you get from SGI in your binder.
- ii. I would scan that paper into your computer and put it into your newly organized computer the electronic expert has set out for you!!!
- iii. Every so often, I would save a copy of your electronic file to an external drive and keep it in a separate location like your fireproof safety deposit box.

- 5) I would have a section in one of your binders which documents any physical meeting you have with SGI.

This section or chart should document:

- The date of the meeting, who was present at the meeting and what is said at the meeting. I would also bring another person with you to confirm what was said. I would also get someone to initial to confirm that this documentation is correct. If it can't be your lawyer, then bring someone else. I would then scan this document into your computer to have an electronic copy of it. I would even go

as far as bringing a recording device and record the meeting, no matter how informal it is. Make sure you download this conversation onto your computer and file it properly into your computer. **For example,** When I first met with SGI after appealing the decision for living assistance after not receiving it for years, one of the adjusters stated, “The reason I did not get the benefit was that the No-Fault system was new and they didn’t know what they were doing years ago.” But I can’t prove they said that now because I did not record it. And they deny they said that.

FOUR STEPS TO FOLLOW AT YOUR FIRST MEETING WITH SGI

MAKE SURE YOU HAVE A LAWYER PRESENT AT YOUR FIRST MEETING WITH SGI!! I would possibly have your one family member who is designated to help with your claim at the meeting as well. I do not see a benefit of having your whole family at the meeting. But you may think differently. Your choice.

1. For your first meeting with SGI, meet a neutral location.

When you meet with your insurance adjuster for the first time, they will suggest that you meet at your home. I would NEVER meet at my home with SGI AGAIN!!!! This first meeting is not a social visit. This meeting is BUSINESS!! Treat it as such. I would meet at your lawyer's office or SGI's office with your lawyer. You are more relaxed at your home and will not be astute to all of SGI's manipulations. There was something about me that tip off the adjuster in my claim that they could take advantage of me. I am not sure what that was, and I guess I will never know. But DO NOT EVER meet with your adjuster at your HOME!!!

2. Ask your SGI adjuster what role your family members have to play in your recovery.

Make sure there are steps in place to protect your family members if they are already going through something. **For example**, my father was VERY sick. He had an inoperable health issue. The doctor told him that he only had about five years to live and to live the best life he could during those five years. During one trip travelling to help me, he was involved in a car accident.

This is why I say you need to protect your family members. Your family members should not be taking care of you when they are sick themselves. Make SGI write down what your family's role is in your recovery and who is responsible if you need help in your recovery.

3. If your parents are over 65 years old, DEFINITELY hire a lawyer to protect both you and your parents EVEN if you do not live with them.

If you have children and siblings, I would hire a lawyer to protect their rights EVEN if you do not live with them and they were not involved in the accident. I never lived with my parents or siblings, and they were not involved in the accident, yet my parents had to drive over 1000 km round trip **taking shifts** to help me. You must protect their rights as well!!! Especially if one of your family members is sick or has a disability!!!

4. During the first meeting, make sure you receive two pamphlets.

Put one in your insurance binder. Laminate the other one and put it on your fridge!!! This pamphlet does not move from your fridge!!! Make sure all your family members know this.

Please realize SGI deals with hundreds of people a day. Therefore they MUST streamline their procedures and techniques. They use **form letters** which is a standardized letter to deal with frequently occurring issues. Therefore, there is rarely a pamphlet in the letter when they send it because they are not actively writing the letter. They are just cutting and pasting a blurb to put into their letter they are sending you.

I received my first pamphlet ten years after my accident even though it stated in every letter for 10 years that a pamphlet was enclosed. Why did I not receive a pamphlet from them? When SGI stated they put a pamphlet in the letter, it is an “out” for SGI. If something does not go right with your claim, they can say, “We told you, we enclosed a pamphlet ... it is not our fault that you did not read it”. If they do not send a pamphlet explaining the rules and regulations, this is better for SGI in the long run.

WHENEVER they DO NOT send a pamphlet, send them an email requesting a pamphlet. This will show a pattern of non-compliance if you ever go to court against SGI and file this email appropriately.

Currently, SGI is not even handing out pamphlets in their letters. Now, it states in their decision letters, “WE have enclosed a brochure with the decision letter. If a brochure has not been enclosed, please visit the Appeal Commission’s website at www.autoinjuryappeal.sk.ca or contact our office for information on how to appeal.”

So now they DO NOT have to give you a brochure, they can just tell you to visit a website. When I asked my current adjuster about this, she stated “That is because we stopped providing multiple pamphlets to the same customers. In the body of our letters is the Appeal Commission website. Trying to save some trees. That is the direction that has been given to us through management.” – This blurb is a quote from my adjusters in an email she sent me.

SIX STEPS FOLLOWING YOUR FIRST MEETING AND INTO YOUR FIRST YEAR OF RECOVERY

1) I would not EVER speak to SGI over the phone.

I would only speak to SGI by email as they tend to write what they interpreted was said in the phone call, and that may not be as accurate. They also may leave the complete conversation out of their injury notes all together. For example) I had an incidence in Regina. I called SGI to talk about it. All they said to me “was that I handled the situation very well.” But that conversation was never recorded in their Injury notes.

- a. I would go as far as to digitally record any conversation you have with SGI on the phone, then download it onto your computer. **But before you can do that, you MUST send an email or written documentation stating you are recording all conversations with SGI.** You should only have to do this once regardless of how many insurance adjusters you have as SGI is a single entity. Make sure you have a copy of this documentation you sent to SGI documenting this. The rationale behind this: *SGI records your calls for learning and quality control purposes. You should be able to do the same thing.* You would also be surprised by what SGI says on the phone. Please consult a lawyer about this before proceeding with this suggestion.

2) If you ever meet with SGI in person, always take someone with you.

Make sure you have someone with you (if your lawyer is not there) to confirm what SGI said or did not say. Make sure you document what was said in your injury notes and have that person initial it to confirm what was stated at the meeting.

3) Send an email after your meet up with SGI.

After each contact with SGI over the phone or in person, I would send an email to SGI reiterating what was said in the conversation. File this email appropriately.

4) Every few months I would ask SGI for a copy of your file.

You are entitled to a copy of your file. Get EVERYTHING including your injury notes. By doing this, you will get documents that SGI only gets but you may never see. **For example**, I never knew that my health professionals were asking for living assistance. You will also get privy to their injury notes, which are very interesting to read. Once you get this file, I would suggest you read it or have someone to read it and highlight the relevant parts. If I would have done this, I may have gotten all my

benefits sooner. Again, scan all those documents electronically into your computer and file them properly.

**I keep reading and rereading my injury notes trying to figure them out. And finally I think I have. SGI has a certain strategy for their injury notes. Each entry is not all negative or all positive to your case. It is kind of like a “compliment sandwich”. A good point, a bad point, followed by a good point. OR a bad point, a good point, followed by another bad point. I think this prevents claimants showing press evidence.

5) I would make sure you start your therapy in your first year for everything.

I didn't start Speech Therapy until the 2nd year because I was told that I would make too many gains in the first year to make Speech Therapy relevant in the first year. I disagree with that. Example) I took a university communications class in the first year after I found out I only had a Grade 7 level of English. This class was hard and I struggled a lot with it. But over those months I did push myself and I ended up with my English being at the level it was supposed to be within the next few months at my next neuropsychologist exam.

AFTER 2 YEARS AND 1 DAY:

- 1) After two years and one day, I would move at least 1000km away from family ad friends.
Move to a place that has the population of at least 800,000 people or more. By moving to a high population, you will be able to get access to the specialists you need who are not bought out by SGI. I did eventually do this, but it came too late. By moving farther away, you will finally know if your family was just propping you up and if you got all your benefits. You will know once you are alone. Also, SGI is in contact with hundreds of medical professionals whose livelihood depend on SGI. You need to get an honest opinion with an arm's length transaction. (Read Cash and Crash for more information on this.)
- 2) This is a good time to check again that you got all your benefits that your needed and bring in your lawyer
- 3) After you have been away from SK for about 2 or 3 years and everything is kosher, then move back to Saskatchewan.
- 4) I believe after 4 years, SGI want to be typically done with you.

THREE WAYS TO RESOLVE A DISAGREEMENT WITH SGI

When SGI declines a request for some form of therapy, the law states you are to receive a decision letter from SGI stating this. Often, they do not. I received my very first decision letter about the denial of living assistance ten years after my collision. Coincidentally, this is the first time I received a pamphlet documenting my benefits as well. If you are **lucky** enough to receive a decision letter from SGI, there are a few ways you can try to dispute it. Go see a lawyer 1 day AFTER receiving this decision letter. It takes time for your lawyer to put in appeal.

I have listed the three ways to dispute a decision from SGI. I have also listed some (not all) pros and cons of each. (Or at least how I see it the pros and cons)

1. Going to the Automobile Injury Appeal Commission in Saskatchewan. (AIAC)

Pros:

- a. Good for very small disputes
- b. Easy to fill out the form (Although I never filled out the form – no lawyer or worker would help me, or it was over the lawyer’s head, or so they said. So I went to the Brain Injury Association, and THEY filled out the form for me)
- c. It is cheap. The cost to appeal at the AIAC is currently \$75. You get this cost back if you win.

Cons

- a. You can only get a little over \$3000 worth of legal costs reimbursed if you win. This amount was just increased from \$2500. This cost will not cover your legal EXPENCES at all. That is why this option is **ONLY** for **small** disputes. I would say if the dispute is over \$3000 or \$4000, do not go to this commission. There are other ways to deal with a disagreement between SGI and yourself. After I was finished with one appeal, SGI did not ask for any receipts, they just told me, “they knew I had spent over \$2500”, so they just gave me the amount without any questions asked.
- b. Occasionally, going to the AIAC is a waste of time. After my first dispute, I thought I would learn more about the system, so I appealed a few other decisions. The three times I went to the AIAC, SGI came to the appeal board each time and said, “They realized they did something wrong and they would settle with me.” That is 100% failure rate. This is such a waste of the taxpayer's money.
- c. There are **NO** separate rooms for each party to discuss anything privately. In one of my disputes with SGI, both the commission members, SGI’s adjuster and SGI’s lawyer plus the

two people running the tribunal went out of the room to have a private meeting, leaving ONLY my family in the court room. I didn't realize until nine years later after watching a legal show, that they cannot do this. This separate meeting was also confirmed to me and that SGI was part of making that decision the AIAC handed out when we return to the courtroom months later. The commission members looked visually shocked that SGI had not come to an agreement with me.

- d. I don't know how accurate/good it is in the AIAC and if you can trust them. One commission member stated that a higher judge had stated that the AIAC could not make decisions using the Ex Gratia law. Then when I wanted a person with US residency to testify, the commission members stated US residents could not testify in a Canadian Courtroom. (This US resident would have phoned in so my cost would only be his hourly rate) I found out later by googling the answer that US residents can testify in Canadian Court.
- e. You do not know what you are doing or have any legal expertise. SGI and the commission member started arguing using the legal terms and talking about precedents I knew nothing about. You also do not know anything about the objections SGI lawyer states which can suppress some of your evidence in your appeal.
- f. SGI can have up to 2 lawyers arguing in the AIAC against you while you can have as many lawyers as you want for \$3000.
- g. It reeks mental havoc on you. Representing yourself at the AIAC means you have to deal with this emotionally on some level. Whereas if you have someone else representing you, then there is an arm length transaction and hopefully you will not be as emotional.
- h. You can not concentrate on your therapy while going to court. My therapy was always affected when I went to court. This was stated multiple times in my file while I was going to court.

2. Going to mediation.

Pros

- a. The cost is a \$55 fee.
- b. You get to discuss with SGI your issues about their decision and possibly come to a decision.

Cons

- a. I found that SGI did not want to come to an agreement with me and all they did was argue.
- b. Mediation took a very long time. After our initial meeting, I did not hear from anyone about the mediation for another 5 or 6 months, where I got fed up, concluded it and went back to court.
- c. SGI came to mediation with two adjusters, and I overheard the new and inexperienced adjuster say to the old adjuster, "She did not know what she was doing." The more experienced adjuster just told her, "This is a good way to learn." I interpreted this to mean SGI does not always try to get things resolved at mediation but to train their employees.

*** It was interesting to note, that I went back to the AIAC and if I had been given a choice I would have probably tried the Court of Queen's Bench. But for some reason, my appeal went back the AIAC.

3. Going to the Court of Queen's Bench

I do not know anything about the Court of Queen's Bench. But after I have gone to the other options of resolving a dispute, I think this is the ONLY way I would go.

Pros

If you win, you should get all your legal costs paid for as opposed to a limit of \$3000 at the AIAC.

- a. You may get additional costs paid for that the AIAC has no jurisdiction over such as damages.
- b. A lawyer gets to represent you so you can focus on your therapy.
- c. You have access to ALL the laws governing SGI and your claim. At the AIAC, they do not have the ability to use all the laws to make a decision on your claim.
- d. The lawyer you get will know about all the objections and all the correct evidence to hand into the judge.
- e. It will not be as emotional for you as a lawyer is representing you.
- f. You can concentrate on your therapy as it is the lawyer who is dealing with the courts.

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