

complaint

Ms J complains about Unum Ltd's decision to turn down a claim made under her employer's group income protection policy.

background

Ms J was a member of her employer's income protection policy. The policy would pay an income if Ms J wasn't able to carry out her occupation as a finance director because of illness. The policy has a deferred period of 26 weeks, so benefit would be payable after this time if Ms J wasn't able to work throughout this period and beyond.

In February 2014, Ms J stopped work because of anxiety. She made a claim under the policy, but Unum turned down the claim. It thought she could still work in her occupation as a finance director, and so didn't meet the requirements for a claim to be paid. Unhappy with this, Ms J brought a complaint to this service.

Our adjudicator didn't uphold the complaint. She thought the available evidence supported that Unum's decision was reasonable. Ms J didn't agree, so the matter has been passed to me to look at.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in this complaint.

For Ms J's claim to be payable, she would need to show that her illness prevented her from carrying out the material and substantial duties of her occupation as a finance director throughout the 26 week deferred period and beyond. I therefore have to look at whether Ms J's symptoms would prevent her from performing her *occupation*, rather than her role at a specific employer.

Ms J's GP signed her off as unfit to work because of anxiety throughout the deferred period (11 Feb 2014 – 12 August 2014) and beyond. But in July 2014, Unum's company medical officer (CMO) spoke with Ms J's GP. The GP told Unum's CMO that Ms J's condition had improved, and that her ongoing absence was related to issues with a colleague at her workplace. Her GP thought that if her job changed and those issues didn't exist, then Ms J would be able to return to work in two weeks. Because of this, Unum refused the claim.

It seems to me that the problems Ms J was experiencing related to her particular employer. I fully appreciate that these problems caused her a lot of distress, and she was initially very affected by them, which led to her feelings of anxiety and depression. But she received counselling and was prescribed medication, and it was recorded that her symptoms had improved by May 2014. Then in July 2014, her GP confirmed to Unum that if the problems with her workplace didn't exist, she'd be able to return to work.

The GP later told Unum that Ms J's symptoms had deteriorated, but he didn't go into much detail about this. And I see that a later medical report from an occupational physician said that Ms J's situation required a workplace solution rather than a medical one.

Based on the available evidence, I don't think Ms J has shown that she wasn't able to work in her occupation as a finance director throughout the deferred period and beyond. I therefore find it was reasonable for Unum to refuse the claim.

my final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms J to let me know whether she accepts or rejects my decision before 5 February 2016.

Chantelle Hurn-Ryan
ombudsman