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'I want my life back': Deborah Kronenberg's journey from life support to supporting herself took plenty of guts, determination and creative financing

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Deborah Krotenberg likes to live life at full throttle, and her Memorial Day weekend three years ago was no exception. Vacationing with her boyfriend in Pensacola, Fla., Krotenberg, an Atlanta lawyer, then 28, spent Saturday cruising the shops, sunning on the beach and speeding through the surf in a Wave Runner before heading out to dinner with several other couples. The last thing she remembers is getting into a sport utility vehicle after the meal for the trip back to Eglin Air Force Base, where she and her boyfriend, an Army officer, were staying with friends.

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Krotenberg relies on her friends' accounts to describe what happened next. At about 11 P.M., the driver of the car swerved to avoid a rabbit; the vehicle veered off the road, regained it and then flipped over. None of the passengers were seriously injured--except Krotenberg, who was not wearing a seat belt. She was thrown from the back seat and broke her neck, rendering her unable to walk and limiting her mobility from the waist up. Ironically, the accident took place a few hours after actor Christopher Reeve suffered a similarly catastrophic spinalcord injury in Virginia during an equestrian competition.

During the next seven months, as Krotenberg progressed from an intensive-care unit in Florida to a rehabilitation center in New York City, where her family lives, she fought to regain the most basic functions, such as simply breathing on her own. The last thing she worried about was her financial situation: "My concentration was on absorbing what I was going through," she says.

Yet her family and colleagues were mobilizing to put her life back on track, including moving her furniture into storage, paying her outstanding bills, and contacting insurance companies and rehab experts about the resources she would need once she was out of danger. Says Krotenberg's boss, Charles Zirkle, whose firm, Zirkle and Hoffman, specializes in insurance litigation, "The first thing we did was grieve and worry, of course, because we didn't think she was going to live. Then we said to each other, 'Think about what would need to be dealt with if you were not going to be here for one year.'"

By December, Krotenberg was breathing unassisted and able to move her arms. Although she was still so weak she couldn't flip a light switch, recalls Zirkle, "she decided, 'I want my life back. I want my work back, and I want clients back, damn it.'"

Around that time, benefits from her health insurer for inpatient rehab were about to end. Meanwhile, Krotenberg's long-term-disability group policy from the law firm was kicking in, along with a patchwork of federal and Georgia state programs, loans from her parents, and even a tax-deductible fund started by a cousin to which friends, family and colleagues contributed.

In December 1995, accompanied by her dad, Marvin, Krotenberg returned to Atlanta to reclaim her life.

The Safety Net

Two and a half years later, on a hot, sunny afternoon along Atlanta's north perimeter, Krotenberg easily weaves her van through traffic, her fingers wrapped around a prong affixed to the steering wheel. A gregarious woman with a husky voice, she is soon discussing the intricacies of her law specialty--worker's comp--over a crabcake sandwich at a local restaurant. Fellow diners don't even notice Champ, her mixed-breed aid dog, until he emerges from under the table at the end of the meal and gives himself a vigorous shake.

But Krotenberg's journey back to the work force has been a long, painstaking struggle. Once a top earner who billed up to 200 hours a month, she posted less than one billable hour her first month back, in February 1996. "In the beginning, I had half a day's energy. I was either at the firm half a day and then home sleeping or at rehab half a day and home sleeping. I didn't have the energy to stay awake," she says. Because Krotenberg also had a head injury, she had word-retrieval problems and had to undergo speech therapy. "I'd get sidetracked very easily," she says. She worried that "with trial work, one objection and I would lose my place."

It wasn't until the following August that she billed enough hours to earn a paycheck, and she still manages only about two-thirds the normal workload, at two-thirds the salary. As a result, her career prospects look far different today than they did before she left for Florida, when she had a clear shot at partner status.

One early step toward getting her life back was ensuring that Krotenberg could pay living expenses until she could work full time. Soon after the accident, her father filed a claim with Zirkle and Hoffman's group-disability carrier, Paul Revere Life Insurance Co. (since purchased by Provident Life and Accident), which would cover 60% of income, up to \$5,000 a month after a 90-day waiting period, for total disability. (For a look at typical benefits, see "Would you be covered") Because Krotenberg's earning power was impaired along with her physical condition, Provident added enough to her pay in her first year back to equal her former salary, a so-called residual benefit many insurers offer (with variations in the amount) to encourage return-to-work efforts. The insurer has since decreased its contribution as her hours have increased but still kicks in a percentage of her lost income.

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Krotenberg also qualified for social security disability insurance, a government program that pays her about \$1,000 monthly and offsets group disability coverage; she'll lose the government benefit after her earnings have built up over a 12-month period. The two programs initially covered about two-thirds of her income, just enough to pay for her rent and the services of home health aides. But that wasn't enough. "Then I had all my utilities, groceries, any kind of entertainment we might want," says Krotenberg, "so my parents filled in quite a bit." Marvin Krotenberg, who is retired, stayed with his daughter in Atlanta for a year and then started a courier business after his return home to recoup some of his expenses.

Buying an individual disability policy to supplement her employer's group policy would have boosted Krotenberg's income because individual coverage is not subject to income tax, as group coverage is. And it would have allowed her to buy more coverage to protect future earnings in case she ever went back out on disability. As it stands now, her group coverage tops out at \$60,000 no matter how much she earns down the road.

Making the Workplace Work

In a spacious office with stunning views of Atlanta, Krotenberg describes the perks she has received since her return to lawyering. "My colleagues say, 'The things you'll do to get a parking space,'" she jokes, referring to the prime spot her van occupies outside her office building. In fact, Krotenberg's working arrangement comprises an elaborate array of alterations that were set in motion months before her arrival in Atlanta.

"I looked at what work accommodations would help her return to work or perform a job," says Penny Cooper, a rehab consultant at Provident charged with coordinating resources for Krotenberg from her office in Massachusetts. "I worked a lot with the Center for Rehabilitation Technology, in Atlanta. We all got together over the phone with Georgia's division of vocational rehab, which was funding most of the adaptive devices for the office." She adds: "It sounds convoluted because it was." For its part, Provident underwrote voice-activated software for Krotenberg's office computer--because she couldn't type on a keyboard--as well as a voice amplifier to use for trials while her breath was still weak.

The Georgia Department of Human Resources' Division of Rehabilitation Services, a state agency with a federal mandate to encourage back-to-work efforts, played another key role. It paid \$15,000 for the glossy custom workstation under which Krotenberg's wheelchair rolls, as well as for the pen she straps to her hand and the cuff she uses to pick up the phone receiver. "I don't understand how people live without Velcro," she says, demonstrating the devices.

Most important, the Georgia agency paid for lifts, tiedowns and other adaptations to Krotenberg's van--a crucial ingredient, says Eileen DeWane, the vocational-rehab counselor assigned to Krotenberg's case: "Of course, you need to be able to get to and from work." Unfortunately, no insurance policy paid for the van itself; the tax-deductible fund and a friend paid the \$16,000 bill.

Finally, Zirkle and Hoffman freed up a partner's office to accommodate Krotenberg's wheelchair, contributed a computer system that could handle the voice-activated software and added small touches such as lowering the paper-towel rack in the office kitchen. Such adaptations fall within the realm of the Americans With Disabilities Act, which requires employers to make "reasonable accommodations" for disabled employees. Members of the firm showed their support in other ways, including managing her checkbook while she was in the hospital and visiting her in New

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York City: "We didn't do it as her employer," says Marsha Mayer, the human resources manager. "We did it because we love her."

Making Ends Meet

Despite their help and her progress, Krotenberg still faces expenses that might overwhelm a less resilient personality. Her apartment, which includes a roll-in shower, lower doorknobs and wider doors, costs more than \$1,100 a month--almost twice the rent of her former apartment, a two-story walkup. She pays a small salary, plus room and board, to Charlotte Jackson, a live-in aide whom she refers to as her roommate, for help with getting dressed in the morning and preparing for bed at night, and assistance with meals and showers.

Although health insurance picked up most of the cost of her automatic wheelchair--a \$19,000 import she calls "my Lexus"--she faced whopping outpatient rehab bills from as far back as 1996. The fund has picked up some of those expenses, as well as the cost of a folding automated chair for travel, at almost \$5,000, and a stand-up chair she uses for exercise, at \$1,000. She pays for maintenance on the automated chairs, a hefty \$1,200 or so a year. Even her wardrobe had to be altered or replaced to accommodate her disability.

She also pays for the care of Champ, provided by a private Atlanta canine-assistance program. In addition to accompanying her to work and around town, Champ can turn lights on and off, pick up things Krotenberg has dropped and put them in her lap, and open and close doors. When she travels, she has to pay for two airfares--one for her and one for Champ.

"Before, I was making a very nice salary for a 28-year-old single woman," says Krotenberg. "I worked hard, but there was not much I denied myself. Now, I'm making ends meet, but I need all my money. There's no play money here."

No one would deny that Krotenberg enjoys many advantages: "She had every kind of support system in place--her employer, her family, the insurance company," says DeWane of the Georgia rehab division. "There are very caring, good people who have been with her right from the beginning. It's a wonderful situation for such a tragedy." The bank even forgave a student loan that she still owed from law school at Emory University. And now she's giving back--doing peer-group support at the rehab center and giving speeches at schools.

Krotenberg's upbeat personality has also played a huge role in her rehabilitation. "Mom said a long time ago, 'You're still the same person.' I thought, What do you mean? I can't move anything," she says. "But I am the same person. I did have a choice. A lot of other people in the same situation would have a lot more anger. I owe my parents thanks because they obviously raised me well."

On May 27, the third anniversary of her accident, Krotenberg followed a ritual that demonstrates how quickly she adapted to her disability: She brought in a cake to the office to celebrate "Happy to Be Alive Day."

BEFORE Deborah Krotenberg suffered a devastating car accident, she paid little attention to how she would cover costs in case of a catastrophe: "I knew had long-term-disability [insurance], but who ever thinks of it?"

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That attitude is common when it comes to disability coverage, says Nell Austin of the Medstat Group, a benefits consulting firm: "The typical employee doesn't have a clue about it until he or she needs it." In fact, waiting until disaster strikes to start investigating your resources can leave you financially disabled just when you need money most.

ADDING UP THE BENEFITS. Here are the benefits you can expect to kick in when you become disabled:

* **Sick leave.** At minimum, you're likely to have some sick leave at full pay, typically five to ten days, longer if you've accumulated it over several years. Your employer may also provide short-term disability insurance, which picks up after sick leave and usually runs 26 weeks. (In California, Hawaii, New Jersey, New York and Rhode Island, state law entitles you to disability coverage for up to 26 weeks.) During that time you could get your full salary (after taxes) for six weeks, followed by 50% to 60% of your income.

* **Worker's comp.** If your disability is the result of a job-related accident, you'll also have access to worker's compensation, an employer-paid program mandated by most states. Worker's comp pays cash as well as medical benefits; like short-term disability, it's designed to provide help early on, usually within a week of an injury. But don't count on worker's comp to cover expenses if you're used to a big salary. States usually cap the benefit at two-thirds of the average statewide wage.

* **Social security disability insurance.** You'll be eligible for social security disability insurance if you've worked long enough under the social security system and your disability prevents you from doing any substantial work for at least a year. Those are tough standards, which only a third of first-time applicants meet (about half of rejected applications are overturned on appeal). You'll get the first check six months after you become disabled.

* **Long-term group disability.** You may assume--or hope--your boss has you covered for long-term disability. Better consult your benefits book. Only about 40% of workers in medium-size and large companies receive the coverage, and even fewer employees of small companies are protected. Further, you may not qualify for coverage unless you've worked at the job for a specified period, perhaps several years.

A standard group plan replaces 60% of income up to \$5,000 a month; but some plans replace as much as 80% or as little as 50% of income, or cap the benefit at \$3,000 monthly. A few policies provide annual increases of 2% to 8% or are tied to the consumer price index. Whatever the benefits, you'll probably have to undergo at least a 90- or 180-day waiting period before they kick in, ideally just as short-term coverage ends. And add a few weeks: Checks are retroactive to the previous earning period.

In vetting benefits, you should ask what the definition of income is, says Jay Menario of Unum, one of the big disability insurers. The replacement calculation may not include overtime, bonuses, commissions or pretax contributions to a 401(k) plan, for instance, or your earnings may exceed the cap, skewing the percentage recovered. Even if you make a six-figure salary, the most you would receive with a \$5,000 monthly max would be \$60,000 annually.

And that's before income taxes, owed on any disability coverage purchased by your employer. The tax whammy hits so hard at all pay levels that "it's very difficult for people today to cover just the

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basic mortgage," says Linda Culliton of Mercer Inc., a benefits consulting firm.

Further, you can't pile up income from various sources to boost the total amount: Generally, programs coordinate so that worker's comp pays first, offset by social security and then by group disability.

READING THE FINE PRINT. Until the past five years or so, many disability policies protected your capacity to do a particular job. Thus, if you were a trial lawyer whose injury prevented you from doing courtroom work, you could collect a full benefit even if you were capable of, say, legal research. Now, most group policies limit this "own-occupation" coverage to two years and then switch to "any-occupation," meaning they pay only if you can't do any job for which your skills and experience qualify you. Some insurers define a qualifying job as one that pays at least 60% of former earnings. Says Michael Newman of Mutual of Omaha, which sells disability policies, "We don't take a highly paid machinist and make him flip hamburgers."

Defining what you can and can't do gets even murkier if your claim involves a "subjective" disability, including hard-to-diagnose ailments such as chronic fatigue syndrome. "People have something that appears real to a medical doctor, and he'll write a note, but the insurance carrier sees no test to demonstrate it is real," says Culliton. Such conditions, such as depression and stress, are often deemed "mental and nervous," and are usually limited to 24-month coverage.

Also, whereas once employers left it to insurers to introduce rehab programs, now they're initiating such programs almost from the outset--the theory being that the sooner people get back on the job, even with modified duties,, the sooner they'll drop off the disability rolls. "If you sit and watch Oprah for six months, you get used to it, and you also lose your self-confidence," says Chris Amberg of Mutual of Omaha. "It gets a lot harder for a person to be productive again."

To encourage employees to try a comeback, insurers are offering policies with so-called residual benefits that help bridge the difference between current and former earnings, and pay out until age 65 if the shortfall proves permanent. Residual benefits usually kick in if you're making 80% or less of your former earnings. Similarly, social security continues to provide full benefits for at least nine months after you start earning a salary, after which it pays in any month over the next three years in which your income falls below \$500.

Insurers may also pay for occupational therapy, career counseling, retraining and high-tech equipment, as do vocational-rehab programs, which are offered in every state. For information, call your state department of labor, education or human services.

NO MATTER HOW RICH your employer-paid policy, you're wise to supplement it with disability coverage you've purchased on your own. Unlike a group policy, you can take individual coverage with you if you change jobs, and the portion you've paid for yourself will be tax-free. Moreover, individual policies offer riders that allow you to increase your benefits as income rises without undergoing a medical exam, and they may have a more liberal definition of disability than do group policies (see "The Right Insurance at the Right Price," July).

But individual policies cost a lot. Insurers are trying to make them more appealing to more people by offering less lavish products at rates as low as \$25 a month for, say, an accident-only policy. Individual coverage bought through a group can be 15% to 25% cheaper than if you bought the coverage alone and is usually gender-blind, whereas women who buy single policies will pay up to

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25% more than men.

Even if you'd rather let your boss do the buying, however, you may not have that option. Employers are cutting back on their own contributions and letting employees pick up the slack. Some companies are encouraging employees to buy extra group coverage, not individual, as a cheap way to bump up the benefit. In that case, the amount you buy is tax-free, but you can't take the coverage with you if you change jobs.

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