

complaint

Mr B has complained that Unum Ltd unreasonably refused to pay his claim under his employer's group income protection policy. Mr B is represented by his employer.

background

Mr B submitted his claim in August 2015 as he had been sadly diagnosed with lung cancer. He said the diagnosis and the resulting shock had left him understandably low and depressed and with no ability to concentrate. He said at that time there was uncertainty about his treatment, which added to his stress.

Unum considered his claim but didn't think the medical evidence showed him to be unable to do his job. Mr B didn't agree and ultimately brought his complaint to us.

The adjudicator didn't think Unum had been unreasonable. She noted Unum was considering a further claim starting from a later date and she thought this was reasonable.

Mr B didn't agree and so his complaint has been passed to me to decide.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I'm not upholding this complaint and I'll now explain why.

There's no doubt that Mr B's diagnosis of cancer was very distressing and very worrying. But as the adjudicator explained Unum's policy isn't a critical illness policy where the benefit is paid out on the diagnosis, or due to the severity or seriousness of the illness.

In order for benefit to be paid under Unum's policy, the medical evidence must demonstrate that Mr B here, was unable to do the material and substantive parts of his insured occupation by reason of illness or injury. That means Mr B's medical evidence had to show he was incapacitated and not able to carry out the duties of his occupation.

Mr B works for an engineering firm. His job, according to his representative, is to co-ordinate and approve the engineering design, ensuring the designs are drawn up and installed correctly. He also ran the CAD department. Part of his job also involved carrying out site visits. Unum believed this was a largely sedentary job, which I do consider to be an oversimplification, as clearly it also had a physical aspect to it as well.

Mr B was first absent from work on 15 June 2015. This policy has a 13-week waiting period before benefit can be paid and for all of that waiting period Mr B needed to show he wasn't able to work. When Unum assessed his claim, Mr B's treating physicians confirmed his condition was stable, he wasn't undergoing any treatment and there were no symptoms restricting his level of function. Whilst Mr B complained of psychological symptoms, his treating physicians didn't refer to them. He was able to carry out his normal daily activities and had gone on a motorcycle trip to Europe.

Later his GP confirmed he couldn't add anything to support Mr B's claim as it was based on psychological factors and not physical and he hadn't seen Mr B for that. In August 2015, the medical evidence recorded that Mr B reported slight shortness of breath on heavy exertion

but he was very well over all. In November 2015, the medical reported that Mr B had no symptoms and was systematically very well. It also reported that Mr B denied any significant shortness of breath but did have the occasional cough. He could still walk uphill with slight shortness of breath and was still able to carry out activities at home. In his claim form, Mr B also confirmed he was able to carry out his normal daily activities.

On this basis, Unum said he didn't meet its definition of incapacity for benefit to be paid.

I've looked at the medical evidence Unum received and I don't think it came to an unreasonable conclusion in refusing to pay Mr B's claim at this time. The medical evidence didn't explain how his condition and symptoms then stopped him from being able to do his job. Mr B said he couldn't concentrate and was very understandably shocked and distressed by his diagnosis. However, he was able to go away on holiday riding a motorbike, which did show an ability to concentrate. He appeared not to seek any medical help or treatment for his loss of or difficulty with concentration. And without such medical evidence explaining how his ability to concentrate was impaired and what that meant and how it was part of his illness, it's difficult to understand how it impaired him. His GP was signing him off work but there was no further evidence explaining how he was unable to work.

So for all these reasons, despite Mr B being diagnosed with such a serious illness, I don't think Unum's decision to refuse to pay him benefit at that time was unreasonable.

Unum is now considering Mr B's claim as he has since undergone significant treatment. It has started the waiting period again from the time the treatment started. I consider this to be reasonable.

my final decision

So whilst I do appreciate my decision will disappoint Mr B, for the reasons I've discussed above, it's my final decision that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 20 March 2017.

Rona Doyle
ombudsman