

Beware of entrapment if you are disabled by environmental illness (MCS or EHS)



If you are applying for disability benefits, or already have them, you should be aware that the agency may try to “prove” you are not disabled through spying and entrapment.

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There have been several cases where disability agencies have hired detectives to spy on people with disabilities, including those with environmental illness.

It has also happened that neighbors have contacted agencies to report that a disabled person appeared to be a fraud.

A Canadian woman had received disability benefits for a year for severe depression. Her doctor told her to get out of the house and socialize with other people. Perhaps that could cheer her up.

She went on a vacation to a beach with her mother and to a bar a couple of times with friends. People took pictures of her at these outings, which she posted on social media.

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Someone working for her disability insurance company was snooping around social media to check for postings that indicated people were faking their disability. This person found the pictures and concluded the woman was faking her depression. Her benefits were terminated without any warning: the monthly payments simply stopped (Heussner 2009).

A man with MCS applied for disability benefits which were denied. To mount the appeal, his doctor made a records request from the insurance company. That unearthed a note from the physician the agency had hired to examine the man. The note recommended hiring a private detective to check if the man really did wear a respirator when visiting stores, as he said he did.

There may never have been such a detective, as there was no such report and the man never noticed anything. He did wear a respirator in every store he visited, except one small health food store where it wasn't needed. A detective bent on entrapment could have used that as "proof" of fakery, though hopefully a detective would truthfully have reported that this man rarely left home, and then he really did use a respirator.

A woman who was applying for disability benefits based on her MCS was followed by a detective. The detective secretly videotaped her go into some stores, a clinic, and a hair salon. She also visited an organic cafe. This was used to deny her application. The video was edited so it did not at all show that she waited outside for her turn, despite it was a cold and windy day (Lipson 2006).

The very aggressive company

A woman with MCS applied for benefits from an American insurance company. When the claim was denied, she hired a lawyer to mount the appeal. The lawyer did a records request, which unearthed a report from a detective the company had hired.

The detective filmed her when she left her home, and kept a log of where she went and when. It even listed what she was wearing. She was so sick at the time that she only went to visit her doctor, while her husband did all other errands.

The detective had also tapped the phone, which is illegal without a warrant. This was discovered by the telephone company when called to repair the line that shorted out whenever it rained, because of the poorly installed wiretap.

The lawyer would not pursue a case against such an aggressive company, and the woman was too sick to do further herself.

Tattling by neighbors

An older man owned a tiny business where he was the only employee, except for some contract workers. When he suffered a stroke, he was unable to continue. To save the business, his son took it over. The son had severe electrical hypersensitivity and could not use a computer, so he had to hire people to respond to e-mails, do the bookkeeping, etc. He didn't draw a salary, and the business was just kept afloat until a buyer could be found, which took years. A neighbor complained to the Social Security, which chose not to do any investigation, but just notified the man of the complaint.

There was also a case where a neighbor complained to Social Security about a man who received disability, but did major repair work on his home. Thus he must be faking his disability.

An outsider would not understand that the man, who had MCS, could only do such work because he was in full control of the work site, only used non-toxic materials, and only worked on "good" days.

Another man with MCS was growing a lot of organic vegetables in his yard (this was before organics became widely available). The neighbor once came and said he had been contacted by some mysterious person and asked to report on the man's activities.

The disabled man called Social Security to ask if it was them who tried to recruit the neighbor, but they said they never did such things.

The neighbor was not friendly, and was not accepting of people with disabilities in general. His story was not credible, so he was probably just trying to harass.

We have not heard of any case where such tattling actually caused a review or had other consequences.

Targeting an activist

An activist who had received disability benefits for many years was contacted by her doctor and her case manager. They both reported that they had received anonymous phone calls by someone claiming the activist faked her disability.

Someone had gone to the trouble of finding out who her doctor and case manager were, though it would not have been too difficult to guess in such a rural area.

Fortunately, nothing further came of it. The activist refused to be deterred.

What they are looking for

The insurance companies are looking for signs that the disabled person is able to be “substantially gainfully employed,” as the American Social Security Administration words it, without giving any further clarification. So, it comes down to a judgement call by some bureaucrat.

People who are not disabled tend to think all disabled people do is sit in a chair and watch television all day. It doesn't seem to occur to them that disabled people want to live as full a life as possible, and occasionally go to the edge of what is safe. That there is a big difference between doing something for ten or twenty minutes now and then, and doing it for hours every day.

A journalist interviewed a detective who specialized in insurance fraud, and an attorney who specialized in helping people obtain disability benefits. Both of them said social media was regularly used to snoop on people with disabilities (Heussner 2009).

A detective hired to expose “fraud” has a powerful incentive to “deliver,” as it will likely result in more such work. It seems likely that such spying mostly takes place during the application process, and the first years on disability. They will probably leave long-termers alone.

Perhaps artificial intelligence will soon be used to do online snooping. Firms could offer it as a service to insurance companies in return for a percentage of the money saved. It will be cheap to monitor everybody, and they will be encouraged to err on the side of fingering innocent people.

Sources

Heussner, Ki Mae. Woman loses benefits after posting Facebook pics, ABC News (ABCNews.com), November 23, 2009.

Lipson, Juliene and Nathalie Doiron. Environmental issues and work: women with multiple chemical sensitivities, *Health care for women international*, 27, 571-584, 2006.

One story was experienced by this writer. The rest were told directly by the people who actually experienced them.

More information

More stories on life with environmental illnesses on www.eiwellspring.org/facesandstories.html.

More articles about obtaining and keeping disability payments on www.eiwellspring.org/disability.html.