

As we recover from Hurricane Irma, many of us are counting on help from our insurance companies to which we have paid hefty premiums. With this in mind, we have compiled a short list of frequently asked questions that you may be asking.

FREQUENTLY ASKED QUESTIONS (Part 1)

What are my insurance-related responsibilities when I have a loss?

Your responsibilities after a loss can be found in your policy. They are usually set forth under the heading "Duties in the Event of a Loss," or something similar, and generally require prompt notice, cooperation with the insurer, taking steps to mitigate damages, such as protecting covered property and resuming business operations as quickly and safely as possible, providing a sworn proof of loss within a specific amount of time and, if necessary, bringing a lawsuit within a specified period of time.

How do I notify my insurer of a loss?

You should review your policy, which will normally provide information on how to report your claim. Often you are able to have your loss reported through your insurance agent or broker, but be sure that you receive confirmation that the claim was submitted. You should receive word back from the insurer that they have received notice of the claim. State law requires insurance companies to acknowledge all claim communications promptly.

What do I do if I don't have a copy of my insurance policy?

Request a certified copy from your insurance agent or broker, or directly from your insurance company on an expedited basis. Having a copy of your policy is crucial to understanding your coverage and knowing what you are entitled to receive from your insurer. It is important to have copies of the complete insurance policies, including the declarations pages, endorsements, and any other policy documentation, to properly determine coverage for, and the valuation of, your loss.

How do I know what my insurance company should be paying me?

Assessing all damages is essential. Understanding the potential loss is the first step in determining what types of coverage should respond.

Do not ignore part of your loss just because you initially think it won't be covered or because you think it will be too small. There are many types of insurance policies and coverages and the language in your policies will control what is covered, so a careful review of those policies and coverages against the losses you sustained by experienced counsel is important.

Some of the coverages and coverage supplements that may come into play after a hurricane include flood, property, business income loss and extra expense, civil authority, service disruption, contingent business income, environmental, debris removal, etc.

My insurance agent says I don't have coverage. What do I do?

Do not rely on your insurance agent to make coverage determinations for you. Insurance agents may not understand the correct application of your insurance policy to the facts of your claim, and typically are not knowledgeable in the controlling insurance coverage law applicable to a loss event. In addition, insurance agents maintain long relationships with insurance companies and are often paid a commission for selling insurance. You should have your questions answered by experienced legal counsel working on your behalf.

Who pays for all the work and costs involved in presenting my insurance claim to the insurer?

Although these costs are often placed on you, please review your policy because some policies include claim presentation provisions that may help cover these costs.

I looked at my policy and it has conflicting provisions saying that I have certain coverage in one part of the policy and that I don't elsewhere in the policy. What does this mean?

Insurance policies are often complicated by the fact that standard coverage provisions are stated and then later modified, replaced or even excluded in a policy. This is why it is important to obtain a complete and certified copy of your policy and to have the policy interpreted by experienced coverage counsel. Insurance companies have teams of experienced adjusters and coverage counsel working on their side. You should too. Not doing so may lead to a diminished insurance recovery.

The insurance company says my policy language means one thing, but when I read the language it means something else. Since the insurance company wrote the policy, are they right?

No. The language in insurance policies is sometimes vague and lends itself to more than one reasonable meaning. As the insured, your reading of the policy language, if found reasonable, has a good shot at prevailing because the insurance company drafted the policy. Coverage counsel can help you to understand the policy and to present your position effectively with the insurance company and with a court – if necessary.

Cohen & Grigsby, P.C. wishes you a speedy recovery and stands ready to assist you should the need arise.

To receive future insurance alerts, please send an e-mail to bulletins@cohenlaw.com.

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