

As Long COVID Disability Denials Rise, DeBofsky Law Leads Fight for Workers' Rights

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EINPresswire.com/ -- Nearly 24 million Americans are living with the lasting effects of long COVID, many unable to return to work. Yet, insurers are increasingly rejecting disability claims, citing the lack of "objective" medical evidence. For workers already struggling with debilitating symptoms, the denials compound financial and emotional strain.

The logo for DeBofsky Law, featuring the name "DeBofsky" in a white serif font on a dark blue rectangular background.

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"The biggest trend we're seeing right now is that disability claim denials are on the upswing," said Mark D. DeBofsky, founding partner of [DeBofsky Law](#). "And the biggest cause of disability that we're seeing a marked increase in is long COVID. People who were infected with COVID and never got better." The insurance companies have appeared to be very resistant to paying claims due to long COVID, even though more than 1 million Americans remain out of work due to it.

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*Mark D. DeBofsky, Founding
Partner of DeBofsky Law*

A Pattern of Resistance

DeBofsky explained why these claims are especially vulnerable: "It's a novel condition, but to a greater extent it's due to the fact that there are no blood tests or other tests that can detect the presence of long COVID." The

symptoms are often such that there is no other objective testing that can verify their existence or presence. Even a common symptom such as brain fog may or may not be something that can be objectively discerned on testing. This makes the claimants' claim that much more difficult to establish.

A Record of Precedent-Setting Wins

DeBofsky Law has faced these tactics before, taking cases all the way to the U.S. Courts of Appeals. As DeBofsky noted: "We don't just follow the law, we make the law." A number of the cases taken to the courts of appeals have proven to be extremely significant, not only helping the individual who was being represented but also helping individuals in other cases.

Key victories include:

□□ Ladd v. ITT Corp. 148 F.3d 753 (7th Cir. 1998) — Overturned an insurer's attempt to deny disability after supporting a Social Security claim.

□□ Herzberger v. Standard Insurance 615 F.3d 758 (7th Cir. 2010) — Secured a de novo standard of review, leveling the playing field for claimants.

□□ Holmstrom v. MetLife 205 F.3d 327 (7th Cir. 2000) — Established that insurers cannot dismiss pain simply because it is self-reported. The court also used the phrase "moving the goalposts" to describe how the insurance company made it impossible for the claimant to produce the evidence she needed to win the claim.

□□ Scanlon v. Life Insurance Company of North America 81 F.4th 672 (7th Cir. 2023) — Protected workers with severe pain and sleep disorders from improper denials. The court found that the evidence decisively proved he could not effectively perform the duties of his occupation.

For Interviews

Mark D. DeBofsky is available to discuss trends in disability denials, the impact of long COVID, and the broader challenges workers face when fighting for the benefits they are owed.

About DeBofsky Law

DeBofsky Law is a nationally recognized firm dedicated exclusively to ERISA, disability, life, and accidental death & dismemberment (AD&D) claims. Founded in 2013 and based in Chicago, the firm is known for litigating, and winning, against the largest insurers in the country. Its attorneys have argued precedent-setting cases in the federal appellate courts, authored leading legal treatises, and are frequently cited by courts nationwide. Every case is led by an experienced attorney, ensuring that clients receive the full benefits they are owed and a real chance at justice, recovery, and peace of mind.

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