

Delta planted GPS tracker in car of disabled flight attendant

The workers' compensation nightmare at Delta Airlines: Part two

Tom Hall
13 February 2019

This article is the second in a three-part series. The first part was published on February 12. The final article will be published tomorrow.

"I'll be candid," Ashley, an injured flight attendant, tells the *World Socialist Web Site*. "Before my work injury, I would just play along with the company line. I thought that if you worked hard and did your job, bad things wouldn't happen to good people and you would be taken care of. But it wasn't true."

Ashley, whose name has been changed in this article to protect her from retaliation by Delta, has been permanently disabled for over two decades after suffering a spinal injury on the job.

Ashley is effectively bedridden because of the pain of her injury. Occasionally she feels healthy enough to leave the house on her own, but she has to walk with a cane. She has to pay friends and relatives to help her with basic housekeeping tasks and travel with her on errands. "I'm still working age. I feel like I should be able to do something," she says.

Ashley was recently healthy enough to travel. "My therapist said this was important for my mental health. Travel used to bring me so much joy."

Since then, Delta and their third-party workers' compensation administrators have worked hand in glove to deny her necessary medical treatment. As part of Delta's campaign to limit their own financial liability for Ashley's injury, they hired private investigators to spy on her. Ashley even discovered a GPS tracker that had been secretly installed in her car.

"It's been [years] of torture. If they had followed my doctor's recommendations from the start, I could have been back with a career."

Ashley originally injured her back in the 1990s while loading passenger luggage into an overhead bin. Even though she was disoriented and in pain, she says she convinced her co-workers to continue with the flight rather than returning to the gate for her to receive treatment, so as to avoid causing their high value customers to miss their connecting flights.

"I took one for the team," she says. "I can't regret my decision-making process. It was what it was. I wasn't in a lot of pain. But my doctor told me later that the reason for that was that when you are injured in a high-adrenaline situation, working against the clock like I was, you often don't have pain until the adrenaline subsides 24 to 48 hours later. I woke up later and I couldn't move. I was in agony."

Ashley was given 6 months leave and prescribed physical therapy and painkillers. However, her pain levels did not improve.

She says her workers comp adjuster tried to dissuade her from opting for expensive surgery. "The adjuster said, 'If they want you to have a big operation and you don't want it, just tell me.' I thought they were trying to help me, but I was extremely naïve. I wasn't getting better, so I said I should just go back to work."

Ashley attempted to continue working through the pain while still receiving physical therapy. But the pain kept getting worse and physical therapy sessions over the course of the week seemed to aggravate it.

"I saw an orthopedist who asked me, 'Can you go back to work?' I said, not really, but I have bills to pay. When you ask them to send you back, they usually will. That's just the way it is. Few will tell you, 'No, I'm sorry, but you're injured.'"

One day, Ashley lost feeling in her legs towards the end of a shift. "I was sitting in the plane and I thought my legs had fallen asleep, but then I realized I couldn't feel them." Ashley drove all the way home from the airport without being able to feel the gas pedal. "That drive on the highway was one of the scariest moments of my life," she said.

Finally, her doctor told her that he could not in good conscience send her back to work until they addressed her injury.

Ashley had several surgeries to her back, but there were complications. Her insurance also did not want to approve her spinal fusion, which she eventually received.

In the late 1990s, Delta experienced financial problems and went into "massive cost-cutting mode," as Ashley describes it. "They started charging us for insurance. We took a pay cut. Then they started making money again around 2000 and we got small raises. We didn't make up the entire pay cut, but Delta gave us a little of what they took.

"Then 9/11 hit," sending the airline industry into a protracted downturn. "There were reorganizations on top of reorganizations, and Delta started subcontracting everything out. Employees took 40, 50 percent pay cuts." As for injured employees on workers' comp, "They wanted us all off of the books. Signed, sealed, gone.

"In all of the confusion I had my health insurance canceled three times. I wouldn't find out until I tried to pay at the pharmacy or the doctor. And that still happens to others, because there are so many different small companies they outsource to that don't know what each other is doing.

"With long-term disability, I was eligible for 70 percent of my pre-injury earnings. Except I wasn't getting checks. I would call payroll and they would tell me, 'We're not payroll anymore, we've outsourced it.' Finally, I got a lump sum deposited to my bank

account with no explanation, which sent the IRS into a frenzy.

"I went without healthcare for 10 months at one point. I had Medicare at that point, but I had listed Delta as my primary and Medicare as my secondary insurer, so Medicare wouldn't pay unless they got a denial from Delta. But Delta wouldn't deny coverage because they had already canceled my health insurance. I had to take out a home equity payment loan and sell a lot of my things to get by."

At one point, Delta sent her to what they told her was a "Qualified Medical Evaluation," a form of medical second-guessing to "resolve" a workers' comp dispute, almost always in favor of the employer. "They were asking me detailed questions about the injury. My mother was in the examining room with me and asked them, 'Why are you asking her to recall all of this from memory years after the fact, isn't this all in her record?' They told us they didn't have my full medical record, only three reports. I found out later from my doctor that this was a lie, that a nurse had brought in all of my records."

"The whole thing was a set-up," Ashley says. "My mother told them, 'Why are you even doing a QME? Under state law she has the right to have an attorney present.' At that point the nurse ran out of the room and a few minutes later she came back and said that this was actually an IME [which does not have the same protections]."

"The report said that nothing was wrong with me and that I was getting unnecessary surgery. It was outrageous. My doctor disputed it, but Delta stopped paying me my benefits. I had to hire a lawyer because I wasn't paid for 10 months. The Delta plan was, 'This is costing us too much, we need a way to cut her loose.'"

Delta's "independent" medical reviewers are often not even licensed doctors, as is common in US workers' comp cases generally. Ashley says that another medical reviewer who denied a claim was an allergist from out of state, who had never even seen Ashley personally.

Nevertheless, Ashley fought back as hard as she could. "They know your doctor doesn't have the time to fight through all of these appeals," Ashley says. "I would do all of the footwork myself. I would read them my doctor's report, gather studies and send to the doctor for use in his appeal... Most doctors don't have the time to do this kind of stuff for each individual patient. You end up languishing with these denials till you do."

The workers' compensation company's frustration with the mounting costs of Ashley's case boiled over in a crude verbal attack. "My claims adjuster and I were having an argument about my treatment plan. When I called her back to apologize and ask what I could do to make up for it, she actually told me, 'Kill yourself. Do you understand how much you're costing us? It would make my life so much easier.'"

The shock of this exchange sent Ashley into a steep depression. "I gave up. I couldn't get my mail. It is so stressful to advocate for myself and to write to insurance companies over the simplest things. An outsider might say, 'There's something wrong with her.' But when your body has been beaten down like this, and you just want your life and career back, and they say something like that. And not too long before I was a darling of the company, a model employee."

In contrast to Delta's attempts to portray Ashley as malingering or exaggerating her injuries, Ashley says she wants nothing more than to be able to work again. When a doctor told her that she was totally and permanently disabled, "I actually got angry with him," she says. "I said, 'That's not possible, you cannot tell me that I can never work again.'"

"But Delta doesn't want to pay for someone to be disabled for life. I

think that's why they tried to send me to a QME without a lawyer, and then said that there was nothing wrong with me and I didn't need surgery."

In order to "prove" their case against Ashley, Delta hired private investigators to spy on her, a common practice in workers' comp cases. "My roommate was interrogated by this strange guy about me. He claimed he was looking at property across the street, but then asked all of these questions about me. But he was caught off guard when she actually called me to the door to speak to him."

"There were cars parked down at the end of my block for days at a time," she adds. "I would leave the house only to do some errands and they would start following me. One time I pulled a maneuver to try and ditch this car."

Her next door neighbor also got a knock on the door from someone asking for their permission to set up a camera in their window overlooking her apartment. Private investigators even began tracking her roommate's whereabouts, apparently confusing her for Ashley.

One time, Ashley sent her car to the dealership for routine service. "They took it back to me, had me sign everything, and in the middle of this, the guy asks me, 'Hey, you wouldn't happen to have a boyfriend or a husband who isn't too happy with you? One of the guys handed me a GPS tracker that they found in your car while it was on the rack.'"

Ashley immediately went to her lawyer. "He told me, 'You aren't the first one.' I asked him, 'Don't they have to get a warrant or something?' He said that only police have to get a warrant, not private citizens."

Ashley decided to contact the *World Socialist Web Site* with her story after reading an article we published last December about an injured Amazon worker who had also been spied on and harassed by private investigators.

"When I read that article, it brought back such frightening memories of that period in time that I had to close my tablet, because it triggered a panic attack. I was initially hesitant to speak to you because of fear of winding up back on their radar and having the stress and paranoia of knowing they are out there, weighing on my every decision, and being afraid of leaving the house for fear of being photographed." She adds, "I'm always looking over my shoulders now."

Ashley adds that she hopes that social media and people like her speaking out will help raise consciousness among workers about the reality of workers' compensation. "Delta does a good job of isolating themselves, putting [the claims administrators] between you and them, but with social media there's no way for people not to know."

"Social media, I hope, is bringing people together. And hopefully it will help bring underreported stories like this to attention."

To be continued



To contact the WSWs and the
Socialist Equality Party visit:

wsws.org/contact