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Another layer of criminality in the capitalist response to the pandemic

Disability rights of Long COVID patients are routinely trampled upon

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Despite the lies of the Biden administration and every world government, the COVID-19 pandemic continues to exact a heavy toll globally, in particular through the “mass disabling event” of Long COVID. As a result of governmental negligence, millions of people across the United States are fighting for long-term disability benefits to which they have wrongfully been denied access.

The symptoms of Long COVID, including extreme fatigue, as well as cognitive and memory problems, are often debilitating. Among the most disabling features of Long COVID is post-exertional malaise, which occurs when even minor physical or mental activity substantially worsen a person’s symptoms.

The most recently available statistics from US Census data, from April and May 2023, show that 11.9 million people were then suffering at least some limitations from Long COVID, with 3.6 million suffering extreme limitations. A 2022 analysis by the Brookings Institute estimated that Long COVID was resulting in between $170 and $230 billion in lost wages each year in the US alone.

This mass disabling event is not a “natural disaster.” The ruling class has inflicted it on the population by prioritizing private profit over public health. Despite Biden’s campaign promise to “follow the science,” his administration has overseen the scrapping of the most limited mitigation measures used at the beginning of the pandemic. As far as the ruling class is concerned, the pandemic is “over,” in the sense that it will not allow COVID-19 to impinge on corporate profits.

An article by Dr. Karen Bonuck with the Albert Einstein College of Medicine entitled “Long COVID is a Mass Disabling Condition—Treat it Like One,” shows the complexity of treating Long COVID. She tells how her daughter was seeing specialists in “cardiology, neurology, gastroenterology, immunology, nutrition, otolaryngology, psychiatry, and sleep medicine” simply to manage her Long COVID. She poignantly describes the recovery process as proceeding in “‘inch-stones,’ not milestones.”

Long COVID is a debilitating illness even for those with access to high-quality medical care and insurance. For the working class, Long COVID can only be more disastrous. Workers who have been forced to stay on the job since the beginning of the pandemic are at great risk for developing Long COVID, which becomes more likely after each reinfection.

Despite these facts, the Social Security Administration and private insurers regularly deny benefits, often forcing people to wait months or even years for a final decision after appeal.

From a legal standpoint, Americans with Long COVID can seek accommodations from employers under the Americans with Disabilities Act (ADA). Guidance from the US Department of Health and Human Services (DHHS) states that Long COVID qualifies as a disability under the ADA “if it substantially limits one or more major life activities.” However, they note, the ADA does not guarantee that people will qualify for Social Security Disability Insurance (SSDI) or private benefits, in the case that one cannot work even with reasonable accommodations.

Those for whom Long COVID leaves completely unable to work must either have long-term disability insurance from their employer, though not every employer health plan will offer it, or a private plan, or apply for SSDI from the federal government. This leaves people with a debilitating illness that can affect cognitive ability to slog through a labyrinth of bureaucracy to receive whatever they can. SSDI benefits generally amount to $800 per month for individuals and $1,300 for families, while rates by private insurers vary.

The complexity of the process usually requires that a person hire an attorney to help fill out and file paperwork. Disability attorney Nancy Cavey told CNN Business, "I tell my clients, 'Fully expect you're going to be denied.' That's, unfortunately, just the process." After applicants are denied the first time, the government and most private insurers will leave only a limited time to file an appeal, which can be challenging for someone with Long COVID. In the case of SSDI, the applicant has only 60 days to file their appeal.

In Michigan, Kelsey Warshefski, a mother and former manager of a Trinity Health nursing home, is suing her insurer, the Hartford Life and Accident Insurance Company, who denied her application for long-term disability benefits. According to the lawsuit, before contracting COVID-19, Warshefski was "a runner, cyclist, athlete, and an energetic human being."

Due to Long COVID, she now suffers "epileptic seizures, mini-strokes, skin rashes and breakouts, chronic pain throughout her upper and lower extremities, life-altering fatigue, digestive difficulties, and cognitive impairment."

Despite the clearly disabling nature of these symptoms, Hartford denied her benefits. The lawsuit quotes at length the requirements under Hartford's rules for Warshefski to receive benefits, all of which she meets. The lawsuit also notes the dirty tricks used by private insurers to deny benefits. Hartford based its denial of benefits on error-filled reports from Medical Evaluation Specialists, Inc., which Warshefski's attorneys describe as "a disreputable insurance industry review organization."

Her lawyers found, most notably, that the two MES employers who reviewed Warshefski's case got her name and certain dates wrong. When the reviewers were made aware of these fundamental errors, one stated that his opinion did not change. The lawsuit correctly states that Hartford's denial "was preordained because, upon information and belief, it does not want to recognize a new potential cause of disability, namely PostCOVID-19 Syndrome."

Chris Pham, a former head of sales in San Francisco forced to live with his parents in Arizona due to Long COVID, told NPR about his own experience with private insurance. "The disability company would often come back and say it needs review. And this happened every single month. So they would only approve the benefit one month at a time. So I had no certainty on how to plan. You know, I was basically just chasing down my benefits the whole time."

Pham concluded, "You know, if I didn't have the support of my family, I'd be out on the streets, and they don't care."

Dr. David Putrino of Mount Sinai in New York, a prominent physician who treats Long COVID, told NPR, "These individuals need to be held accountable for withdrawing support from people who deserve benefits and deserve adequate levels of care. Please let us stop asking sick people to prove to us that they're sick."

The process is equally difficult for people applying for SSDI. Michaelene Carlton, who has suffered with Long COVID since 2020, explained her own situation to CNN Business in March 2023. Her case had been assigned to a new case manager and she spent nearly four months calling every other week just to try to get information on her status. During that time, she was unable to get in touch with anyone.

The Social Security Administration told CNN that the issue is widespread due to years of underfunding and a mass exodus of employees. What workers the SSA has are all new and inexperienced. The issue has reached the point where, according to the think tank USAFacts, the decision times in disability cases can take months or even years.

"It's my family's future," Carlton told CNN, "I can't do much physically. I can't work. This way, I could at least contribute something. It would allow me to feed my family. But the system is broken."

Next Friday, March 15, a coalition of Long COVID patients and advocates known as LC/DC is organizing an important demonstration at the Lincoln Memorial in Washington, D.C., to protest the lack of care and funding for research into Long COVID treatments. The *World Socialist Web Site* will cover the demonstration and encourages its readers in the region to make plans to attend.

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