AI is starting to shape disability claim denials, and DeBofsky Law says the errors are already showing up

CHICAGO, IL, UNITED STATES, October 1, 2026 /EINPresswire.com/ -- DeBofsky Law, a national ERISA and disability insurance litigation firm, is seeing a consistent pattern in recent claim denials: insurers appear to be leaning on artificial intelligence to review appeals, and the results often ignore evidence claimants submitted. The firm is flagging the trend now, at the start of the fourth quarter, as it prepares clients and referral partners for what founding partner Mark DeBofsky calls a fast-moving shift in how claims get decided.

The concern is not hypothetical. In a 2026 survey of 502 HR and benefits decision-makers, more than half identified claims adjudication as an AI application their disability carrier or third-party administrator uses, one that directly affects benefit outcomes, according to the Integrated Benefits Institute. DeBofsky Law's own casework points to the same shift: denial letters that show no engagement with the medical evidence submitted, formatted in ways the firm says look automated rather than reviewed.

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> *Mark DeBofsky - Partner at DeBofsky Law*

"We put detailed legal citations and medical evidence into a claim appeal, and the denial letter that came back showed no sign anyone had actually read it," said Mark DeBofsky, founding partner of DeBofsky Law. "In one recent case, we submitted a neuropsychological evaluation, the gold standard for diagnosing cognitive impairment, and the insurer's consultant said there was no evidence of impairment without referencing the evaluation at all. That is not a coincidence anymore. It is a pattern, and claimants need to know it is happening so they can push back."

DeBofsky Law is not opposed to AI as a tool. The firm uses it to manage the thousands of pages of medical records that accompany a typical long-term disability or ERISA appeal, and DeBofsky said it has real value there when paired with attorney oversight. What concerns the firm is AI used as a substitute for judgment, on either side of a case, whether that means a claim consultant who dismisses objective test results as "just another data set" or a court that leans on an AI-drafted opinion. DeBofsky pointed to the U.S. Court of Appeals for the Seventh Circuit's warning that judges are not required to search a record for arguments a party failed to make clearly, a caution he said applies even more directly when an AI system, not a person, is doing the reading.

For claimants, the firm's guidance is direct: read the denial letter closely, flag anything that misstates or omits evidence, and get an attorney involved well before the appeal deadline. Long-term disability appeals typically carry a 180-day window, and some health benefit appeals must be filed within days. DeBofsky said claimants should not try to build an AI-drafted appeal themselves, both because of the legal risk and because of what it exposes. Private medical and financial information entered into a public AI tool can become part of that system's training data, with no guarantee of confidentiality.

DeBofsky Law plans to keep tracking how AI shows up in claim files and court filings, and will continue briefing clients and referral partners on what to watch for as the technology becomes standard practice on the insurer side. More on the firm's approach to claim appeals and litigation is available at debofsky.com.

About DeBofsky Law

DeBofsky Law represents individuals denied disability, life, and ERISA-governed insurance benefits nationwide. The firm handles nothing else: no general practice, no hand-offs to junior staff, every case led by an experienced attorney from intake through appeal or litigation. Its attorneys have argued precedent-setting federal appeals, authored leading treatises on employee benefits law, and are regularly cited by courts. Clients have rated the firm five stars in 100 percent of its 136 published testimonials. DeBofsky Law is based at 2 North Riverside Plaza, Suite 1420, Chicago, IL 60606, with clients represented throughout the United States.

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