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☛ Details: Oelerich case

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

1995-96

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Insurance, Securities and Corporate Policy...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

MARLIN D. SCHNEIDER
State Representative
72nd Assembly District

Office:
State Capitol
P.O. Box 8953
Madison, Wisconsin 53708
(608) 266-0215

Home:
3820 Southbrook Lane
Wisconsin Rapids, WI 54494
(715) 423-1223

Legislative Hotline: 1-800-362-9472



WISCONSIN LEGISLATURE
ASSEMBLY CHAMBER

Member:

Committee on Rules
Committee on Assembly Organization
Joint Committee on Information Policy
Joint Committee on Legislative
Organization
Joint Legislative Council
Educational Communications Board
Committee on Education
State Capitol & Executive Residence
Board
Committee on Government Operations
Committee on Mandates
National Conference of State
Legislatures
Council of State Governments

October 25, 1995

State Representative Sheryl Albers
State Capitol, Room 127 West
Madison, WI 53702

Dear Representative Albers:

I would like to formally request a hearing by the Assembly Committee on Insurance, Securities and Corporate Policy to investigate Guardian Life Insurance Co. of America regarding its refusal to pay off a \$10,000 life insurance policy to the family of Darlene Oelerich who was slain by her husband.

Authorities believe Oelerich's body was probably weighted with an anchor chain and is lying somewhere on the bottom of Lake Winnebago. Because her body was never recovered, no death certificate was issued, and now Guardian Life is saying "no body, no money". Even though Oelerich's husband has been convicted and is serving life in prison for murdering his wife, Guardian Life wants a death certificate to prove it.

The action of Guardian Life Insurance Co. of America demonstrates the continuing lack of social conscience by the insurance industry, a bloated bureaucracy that can build huge monuments for its executives but is unwilling to pay even minimal amounts in the most horrible of circumstances.

You have a good opportunity here to side with the public for a change instead of the insurance industry.

Thank you in advance for your consideration of my request.

Sincerely,

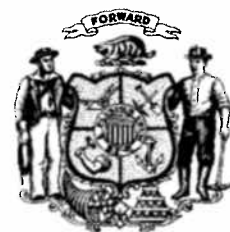
MARLIN D. SCHNEIDER
Assistant Minority Leader

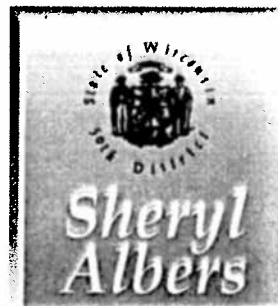
ksw/k

"Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion." -Edmund Burke Nov. 3, 1774



WISCONSIN STATE LEGISLATURE





October 26, 1995

State Representative Marlin Schneider
204 North, State Capitol
Madison, WI 53708

Dear Representative Schneider:

I am in receipt of your request for a hearing to investigate Guardian Life Insurance Co. of America concerning Darlene Oelerich's life insurance policy.

I have contacted the Office of the Commissioner of Insurance to determine what action might be taken by the Insurance Commissioner to resolve this matter. I will contact your office as soon as I hear back from OCI.

In the mean time, I would appreciate it if you could forward any information you may have on the case including background information, newspaper articles, statements from the family and the insurance company and the address and phone number of the family so I may contact them. Are you familiar with any statutory language that prohibits the issuance of death certificates in cases such as these?

I look forward to hearing from you.

Sincerely,

Sheryl K. Albers
DJD

Sheryl K. Albers
State Representative
50th Assembly District

*Enclosed are copies
of articles you
requested.
Martin Schneider's
office*

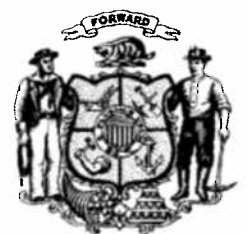
Office: P.O. Box 8952 • State Capitol • Madison, WI 53708-8952 • (608) 266-8531
Message Hotline: (800) 362-9472

Home: 56896 Seeley Creek Rd. • Loganville, WI 53943 • (608) 727-5084


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with soy base ink.



WISCONSIN STATE LEGISLATURE



November 7, 1995

The Hon. Sheryl K. Albers
State Assemblywoman
State of Wisconsin
Room 136 South, State Capitol
Madison, WI 53702

Dear Assemblywoman Albers:

Having read with interest the newspaper account of your considering holding a hearing to inquire into the refusal of The Guardian Life Insurance Company of America to pay a death claim, I thought it prudent to advise you of the facts in this particular case in order to prevent any further misunderstandings.

In the case involving the proceeds of an insurance policy on the life of Darlene Oelerich, The Guardian never denied a claim for death benefits nor has it refused to pay.

We first learned of the claim for death benefits via newspaper articles on October 12, 1995. At that time, a formal claim for benefits had not been made. Upon learning of a lawsuit by the children of the decedent, our claims department contacted the attorney for the children and provided him with a claim form to be completed. We also obtained police records with which we were able to establish the fact of death by homicide of Darlene Oelerich without the necessity of a death certificate. On November 6, 1995, we received a letter from the attorney Thomas E. Hughes, Esq. providing the tax identification number for the Estate. The receipt of this number has permitted us to release payment of the benefits in the amount of \$10,729 including interest from the date of death.

The Guardian promptly investigated this death once it was notified of a death claim. As with many other cases, we are able to establish the fact of death without the need of a death certificate.

Thank you for your interest. Should you require anything further, please do not hesitate contact me.

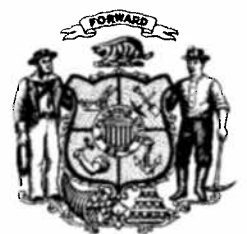
Very truly yours,



Robert C. Gillespie
*Assistant Vice President,
Corporate Communications*



WISCONSIN STATE LEGISLATURE





State of Wisconsin / OFFICE OF THE COMMISSIONER OF INSURANCE

Tommy G. Thompson
Governor

Josephine W. Musser
Commissioner

November 7, 1995

121 East Wilson Street
P.O. Box 7873
Madison, Wisconsin 53707-7873
(608) 266-3685

State Representative Sheryl Albers
State Capitol, Room 127 West
Madison, WI 53702

Dear Representative Albers:

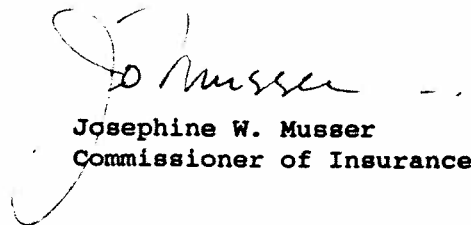
This letter is in response to your inquiry regarding Guardian Life Insurance Co. of America and the company's actions on a life insurance policy for Mrs. Darlene Oelerich.

An insurance examiner from my office contacted Guardian Life Ins. to determine the status of this policy and was informed that as of Oct. 31, 1995 no formal claim on behalf of Mrs. Oelerich had been filed. In response to this inquiry, Guardian Life Ins. contacted Mrs. Oelerich's employer to request a claim be formally filed. The company then contacted the attorney for Mrs. Oelerich's estate to request either a completed claim form or a tax ID number for the estate. It is my understanding that Guardian Life Ins. made repeated attempts to obtain the needed information and expressed a willingness to expedite the claim.

On Nov. 6, 1995, my office received notice that Guardian Life Ins. has since received the needed information and a check of \$10,727.00, which includes the policy benefit plus interest, will be issued by Nov. 8, 1995.

I am pleased that my office has been able to help clear up this unfortunate misunderstanding. Please contact me if you have any further questions.

Best Regards,



Josephine W. Musser
Commissioner of Insurance



November 6, 1995

Office of the Commissioner
of The Wisconsin Insurance
Department
P.O. Box 7873
Madison, WI 53707-7873

Re: Darlene Oelerich
Plan # 275943/ Z00003580

Group Life Claims
Northeast Regional Office
P.O. Box 26035
Lehigh Valley, PA 18002-6035
610/882-8201
FAX 610/882-8266

Denise Tavares
Manager

Dear Ms. Elmer:

This is a follow up our recent letter. We have now received the Tax Identification Number for the estate of Darlene Oelerich.

We are pleased to inform you that our payment of \$10,000.00 plus interest has been processed. Our check of \$10,727.00 payable to Dennis, Thomas and Terry Oelerich, Administrators of the Estate of Darlene Oelerich will be Federal Expressed to Thomas B. Hughes, their attorney approximately November 8, 1995.

Sincerely,

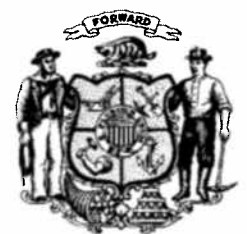
A handwritten signature in cursive script that reads "Denise Tavares".

Denise Tavares

The Guardian
Life Insurance Company
of America • Est. 1860



WISCONSIN STATE LEGISLATURE



November 8, 1995

Robert C. Gillespie
*Assistant Vice President,
Corporate Communications*

The Hon. Marlin D. Schneider
State Assemblyman
State of Wisconsin
Room 204 North, State Capitol
Madison, WI 53702

Dear Assemblyman Schneider:

Having read with interest the newspaper accounts of your request for a hearing about The Guardian Life Insurance Company of America's delay in satisfying a death claim, I thought it prudent to advise you of the facts in this particular case in order to prevent any further misunderstandings.


In the case involving the proceeds of an insurance policy on the life of Darlene Oelerich, The Guardian never denied a claim for death benefits nor has it refused to pay.

We first learned of the claim for death benefits via newspaper articles on October 12, 1995. At that time, a formal claim for benefits had not been made. Upon learning of a lawsuit by the children of the decedent, our claims department contacted the attorney for the children and provided him with a claim form to be completed. We also obtained police records with which we were able to establish the fact of death by homicide of Darlene Oelerich without the necessity of a death certificate. On November 6, 1995, we received a letter from the attorney Thomas E. Hughes, Esq. providing the tax identification number for the Estate. The receipt of this number has permitted us to release payment of the benefits in the amount of \$10,729 including interest from the date of death.

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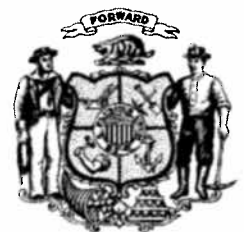
Thank you for your interest. Should you require anything further, please do not hesitate contact me.

Very truly yours,





WISCONSIN STATE LEGISLATURE



Slain woman's family sues insurance firm

Because there's no body, there's no death certificate; now company won't pay off her policy, attorney says

BY MEG JONES
of the Journal Sentinel staff

Darlene Oelerich's killer — her husband — has been convicted and is in prison.

But that isn't good enough for her life insurance company.

Because her body was never retrieved from Lake Winnebago, it won't pay off her \$10,000 life insurance policy.

That's why the sons of the Oshkosh woman, who was brutally murdered a year ago, have sued their attorney said Monday.

Authorities believe Darlene Oelerich's battered body was probably weighted with an anchor chain and is lying somewhere on the bottom of the lake.

Because her body was never recovered, no death certificate was issued. And now the insurance company is saying "no body, no money," said Thomas Hughes, attorney for Thomas, Dennis and Terry Oelerich.

Even though Gerald Oelerich, 58, is serving a life term in prison for his wife's slaying and won't be eligible for parole until 2050, Hughes said The Guardian Life Insurance Co. of America wanted a death certificate proving her death.

"A man is in prison because

of these circumstances. If it's good enough for the criminal justice system, it should be good enough for the insurance company," Hughes said.

Hughes said the family notified the insurance company of Darlene Oelerich's death and Gerald Oelerich's conviction but was told a death certificate was needed.

When he told people from the insurance company that there was no death certificate, they asked for police documents, Hughes said.

"They wanted the sheriff's file, which is over 300 pages. Obviously I'm not going to kill a tree just to satisfy their needs," Hughes said.

Winnebago County Coroner Jane VanDeHey said death certificates were issued by funeral homes and because Darlene Oelerich's body was never recovered and taken to a funeral home, no certificate was issued.

Terence J. Lynch, litigation counsel for Guardian Life, said Monday that his company had not received a claim from Oelerich's sons. He said the insurance company would accept other documents that showed Darlene Oelerich was dead.

"Sometimes that happens (when there's no death certificate), and usually there's some way to overcome the documentary problems. If it's pretty clear that the person dies, there are other ways of establishing death," Lynch said in a telephone interview from his New York office.



G. Oelerich

MJS
10/24/95

WSJ 10/25/95

3 sons of murdered woman sue to force payout of life insurance

OSHKOSH (AP) — Gerald Oelerich is serving a life prison term for killing his wife, Darlene, and dumping her body in Lake Winnebago in October 1994.

Now the couple's three sons have filed suit to force a company to pay off her \$10,000 life insurance policy.

Authorities said Darlene Oelerich's body is believed to have been weighted with an anchor chain and dumped in the lake. Because the body hasn't been recovered, no death certificate was issued.

Thomas Hughes, the lawyer for Thomas, Dennis and Terry Oelerich, said the insurer has taken an approach of "no body, no money."

Even though Gerald Oelerich, 58, was convicted and sentenced to

life in prison for killing his wife, The Guardian Life Insurance Co. of America wants a death certificate proving her death, Hughes said.

"If it's good enough for the criminal justice system, it should be good enough for the insurance company," Hughes said.

He said the family notified the insurance company of Darlene Oelerich's death and Gerald Oelerich's conviction but was told a death certificate was needed.

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"Sometimes that happens (when there's no death certificate), and usually there's some way to overcome the documentary problems. If it's pretty clear that the person dies, there are other ways of establishing death," Lynch said.