

BASE

THE BALDYGA AUTO ACCIDENT SETTLEMENT EVALUATION

By Dan Baldyga

It's 8:00 AM on a Thursday and a clear, dry day. You're on your way to work in your motor vehicle proceeding North on Main Street in your hometown. You're 62 years old and the assistant manager of a local video store.

Fred Fuddle is a chronically unemployed local with a reputation for being a loudmouth degenerate who has, over the past several years, been arrested for drunken, disorderly conduct.

Fuddle is driving his van far above the speed limit, proceeding East on Elm Street. As you approach the intersection of Main and Elm you have a green light. You proceed through, just perking along. Too late, Fuddle suddenly realizes he has a red light. He hits his brakes, leaving over 50 feet of skid marks behind him, as he flies into the intersection. The front of his van strikes your left rear with a mighty crash. Your arm hits the steering wheel and the beautiful watch your loving spouse gave you for your last birthday, is destroyed. The Property Damage to your motor vehicle will be determined to be \$1,780.00.

The police investigate at the scene. Fuddle is charged with dangerous driving, which you soon discover is written into in the Police Report. The ambulance takes you to the Angel Of Mercy Hospital Emergency Room, where you're x-rayed and treated. Diagnosis: A severe strain to the cervical-dorsal area, which is a "Whiplash -Type" of injury.

You're eventually treated by your family physician, Ole' Doc Comfort. You later ask for and receive copies of all Medical Reports from the Angel Of Mercy plus a copy of the "Final Medical Report" from Doc Comfort.

Shortly after impact you asked your son "Chip" to return to the scene of the accident where he takes a dozen photos of the skid marks plus the damages to your motor vehicle and Fuddles van. Chip wisely visits the police station where he purchases a copy of the report the Cruiser Patrolmen wrote at the scene.

PROPERTY DAMAGES: Cost to repair your motor vehicle is \$1,780.00 plus the replacement of your wristwatch will be \$355.00. YOUR TOTAL PROPERTY DAMAGE LOSS COMES TO: \$2,135.00.

THE BASE FORMULA does not include Property Damages! These will be added on when you come to the value of your Personal Injury case.

Your personal injury case is going to yield four initial values: "Low", "Middle", "Mean" and "Premium". Alight, now, let's determine what those 4 figures have come to be:

After you've finally recovered and been released from treatment your provable damages are: Ambulance \$311.80, Emergency Room \$387.46, X-Rays \$215.00, DR. Comforts Final Bill \$468.30, Prescriptions For Pain \$87.98, Heating Pad \$68.56, Plus your "Lost Wages" for a total of 6 days or \$840.00. So, your "Special Damages" come to a total of \$2,379.10.

To discover the 4 values (Low/Core/Mean and Premium) you multiply that \$2,379.10 by 2, then 3, then 3.5 and finally 4. The four BASE FORMULA values you going to come up with are:

2. X \$2,379.10 = \$4,758.20 * The "LOW VALUE" is \$4,758.20 (Rounding that figure out - - you should consider \$4,800.00 as your Low Value).

3 X \$2,379.10 = \$7,137.30 * The "CORE VALUE" is \$7,137.30 (Rounding that figure out - - you should consider \$7200.00 as your Core Value).

3.5 X \$2,379.10 = \$8,326.85 * The "MEAN VALUE" is \$8,326.85. (Rounding that figure out - - you should consider \$8,400.00 as your Mean Value).

4 X \$2379.10 = \$9,516.40 * The "PREMIUM VALUE" is \$9,516.40. (And, rounding that figure out - - you should consider \$9,600.00 as your Premium Value).

The four values listed above descend from the lowest to the highest. These four values provide you with a minimum (Low Value) and a maximum (Premium Value). These figures place your claim into "The Ballpark" of the four BASE FORMULA VALUES', (plus your Property Damages).

No two cases are alike. You should begin with the CORE VALUE you've arrived at as a "starting point" and then add or subtract weight to the claim based on the circumstances and variables. Typically more "Variables" must be added (and/or subtracted) in order to determine what your "Pain and Suffering" is worth.

"Variables" include things such as the extent of your personal injury (visible bruises or scars, etc.) as well as the personal character, profession, age, and driving record of both you and the other driver involved in the accident.

In other words if you're an unemployed ex-con, you should deduct points and could end up at shooting for the LOW VALUE. HOWEVER: if you're a 73-year-old retired schoolteacher you should attempt to receive the PREMIUM VALUE.

Your case has a number of positive factors that fall on your side of the evaluation ledger, such as: Fred Fuddle is far from being a model citizen. He was driving his vehicle much too fast, as evidenced by the skid marks Chip captured on film. The police cited Fuddle for operating his van in a dangerous manner, as proved by the copy of the Police Report, which you now have in your possession.

Your Ole' Doc Comforts Medical Report (which you have a copy of) indicates you sustained a "Whiplash-Type" injury to the cervical-dorsal area. Following Doc Comforts instructions you purchased a heating pad (a copy of that bill you have for proof), which you used to help relieve your "Pain and Suffering. In addition to the hospital bills, you've also kept copies of the pain killer prescription drugs that Doc Comfort insisted you take.

THERE ARE FIVE VERY IMPORTANT ELEMENTS WHICH YOU MUST IMPLEMENT INTO YOUR "EVALUATION" AND HOW THEY'LL IMPACT THE BASE FORMULA FIGURES YOU'VE COME UP WITH. These five are as follows:

(1) THE FACTS: The gathering of the provable factual information is crucial. If you try to evaluate your claim without as complete a file of facts as possible that's like going hunting for a lion with a slingshot!

(2) THE EVIDENCE: You must weigh all factual evidence known to you plus the actual evidence you can produce to substantiate it. No matter what information you believe you're aware of you must have proof to back you up. For example, you can talk until the cows come home about the unsightly black-and-blue marks you had on your arms, ribs and/or hip, the slash on your forehead, or the 70 feet of skid marks Fuddles vehicle left on the highway, before he smashed into you, but Adjuster Smart will never adequately comprehend this unless you provide him with photographs. Providing Smart with proof-positive photographs will cause his Supervisor's eyes to bulge as he inhales a deep breath of resignation and declarer's, "Hey, this one's gonna cost us".

QUESTION: "How can Dan be so sure about that"? **ANSWER:** "Because before Dan retired (after spending over 35 years on that firing line) he was an Adjuster, Supervisor, Manager and Trial Assistant. He's been there, saw, plus heard (and felt) that thousands of times!"

(3) THE LAW: As proved in (over 83% of the motor vehicle accidents in the United States in 2004) the impact you were subjected to is clearly the fault of "Fumbling" Fred Fuddle.

(4) INJURY TO YOU: The seriousness of your injury has to be considered. (Ole' Doc Comfort, your attending physician's Medical Report, must go into detail about that). Your age will have an affect on the time it takes you to recover and the time you lost from work has a direct bearing on the length of your recovery.

(5) INTANGIBLE ELEMENTS: These include your reasonableness, your economic status, your standing in the community, the obvious sentiment conjured up when one considers the degree of the seriousness of your injury, how long it took you to recover, plus the attitude of Fred Fuddle regarding your case. Sympathy will come into play if you're a widow or a highly respected Little League Coach, in contrast to being identified as a raucous bum with a history of getting into scrapes with the law. Emotional factors have considerable weight in the evaluation of a claim. Whatever the intangible elements may be, you must force yourself to investigate and then evaluate them (as objectively as possible) so, if what your telling Adjuster Smart is being identified as "Incorrect" you can prove their conclusions not to be true - - when and if it becomes appropriate you must do so.

SEVEN QUESTIONS & ANSWERS WHICH SHOULD ASSIST YOU IN MAKING THE PROPER DECISION OF WHICH OF THE FOUR "BASE" VALUES TO SETTLE YOUR CLAIM AT:

QUESTION #1: What do claims adjusters attempt to determine when examining a Property Damage Repair Invoice?

ANSWER: Typically they look for (A) Replacement parts that were not damaged by the accident. (B) Replacement of parts that were not damaged at impact. (C) Charges made for new parts, - - even though used parts were actually installed. (D) Overcharge of parts. (E) Duplication of parts and labor items.

QUESTION #2: Must I accept the claims adjuster settlement value for what he has determined to be a "Total Loss" of my motor vehicle?

ANSWER: The answer to that one is "ABSOLUTELY NOT"! The figures in Guide Books, (such as THE KELLY BLUE BOOK) are not written in stone. There's no law that requires an individual to accept the Property Damage figures the adjuster came up with. If the price that's stated seems too low, you may refuse it. It's written into all proper Property Damage Agreement's that depreciated values are reached by using common sense, negotiation and mutual agreement. Because of this you must never be hesitant to bargain, dicker or argue with the adjuster.

QUESTION #3: How do I make sure I've obtained all the proper information regarding the Property Damage estimate of my motor vehicle?

ANSWER: In the vast majority of motor vehicle accidents there is an "Agreed Cost To Repair" which has been arrived at between the body shop and the adjuster. That should be more than sufficient!

QUESTION #4: I have "Medical Payments" coverage on my Auto Insurance Policy. How does that work?

ANSWER: This type of coverage will pay you, up to the stated limits, for all the Medical Bills arising from your accident - - regardless who is at fault! You must read this coverage very carefully . "Why", you ask? The answer to that one is, "Because many people are covered in so many different ways"!

A WORD ABOUT HEALTH INSURANCE PLANS: In certain instances it may be possible to have your medical bills paid (and yet avoid any repayment) by using your non-automobile Health Insurance Policy and/or some other Insurance Plan you may have. (Yes, that means you may be able to justifiably collect twice for the same medical bills)!

QUESTION #5: How do my medical bills impact the value of my personal injury claim?

ANSWER: The higher the medical bills the greater value of your claim. Be sure to obtain all bills for medical services rendered PLUS the "Final Reports" regarding your physical condition. Make sure these reports include the length of time of your "Total Disability" and also your "Partial Disability".

"Why?" Because that will go a long way in justifying both the "Pain and Suffering" you've had to endure and your Lost Wages. These reports should be in your possession and not sent directly to the insurance company.(You should keep the originals and hand, or send, only copies to the adjuster).

QUESTION #6: What about my "Lost Time From Work?"

ANSWER: You're entitled to be paid for every single dollar you lost - - even if you've been reimbursed by some other insurance coverage you may have!

You're entitled to compensation for your "Lost Time and Earnings" Even if you have not lost any money! Such as, for example, when your salary is paid for by some other personal insurance you may have or by taking "Sick Leave" from work or some other similar arrangement.

QUESTION #7: Once I know which of the four BASE values I should be shooting for how do I negotiate a fair settlement for myself?

ANSWER: Always show the adjuster that you're willing to negotiate in "Good Faith". The first rule of bargaining is: Do not lower your demand until the adjuster makes a counteroffer. You should never forget you're the "Seller" and the adjuster is the "Buyer".

Most of the time an adjuster's counteroffer, especially his first one, is negotiable. Your response should be, "Is that your maximum authority?" Now you're asking him to bid against himself and you've not committed to a lower figure than your initial demand. Adjusters are all assigned a heavy work load of new claims each month. Because of this they are continually working to close as many files as possible, just to stay even! They're under heavy pressure to settle your claim - - to get rid of you and move on! People aren't aware of the advantage this holds for them.

all right now, enough time has passed for you to sit down with Insurance Adjuster I. M. Smart. Smart knows the potential of your developing more physical problems (which can always be tied into the accident) is much greater especially because of your age. No matter which way Smart would like to slice your cake he's aware you went through a ton of inconvenience plus a solid period of "Pain and Suffering" which has been clearly sustained within the confines of Doc Comfort's written report.

PROCEEDING FORWARD WITH THE BASE FORMULA: You have photographs of the injuries you sustained plus of the skid marks left by Fuddles van and there's no question that he's 100% responsible for the accident! Those 3 facts alone place your claim slightly above the area of the "CORE VALUE" of \$7,200. The fact that the accident caused you to lose 6 days from work plus the fact that Fuddle was cited for "Dangerous Driving" (plus Doc Comforts Medical Report clearly states you sustained a "Whiplash Injury") raises you even further up into the area of the "MEAN VALUE" of \$8,400. Your settlement demand should always be a little over twice that figure or (in this particular situation - - as detailed above) \$17,000.00 (plus your provable Property Damages) !

Adjuster Smart will hem, haw and splutter but you must stick to your guns. As described above the personal injury portion of your claim is worth a minimum of \$8,400. Don't let him con you into anything less than that. And, if you're willing to fight him right to the last shot (with the positive variables working for you - - as detailed above) you should be able to settle your loss for close to ten thousand dollars - - plus your Motor Vehicle and wrist watch Property Damage's.

During the difficult days (or months) of dealing with Adjuster I. M. Smart never allow the thought's of a trial come foolishly stumbling into the gray matter between your ears, to trip you up. Cases are decided on the evidence. When reviewing cases before them judges never use the phrase, "The truth of the matter is". But rather they say, "The evidence shows". You've got the evidence and both Smart, and his supervisors at the insurance company, know that to be true. Hang in there and don't give up because THE BASE FORMULA has provided you with what you need to get the amount of settlement dollars you deserve.

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Dan Baldyga's third and latest book, AUTO ACCIDENT PERSONAL INJURY INSURANCE CLAIM (How To Evaluate And Settle Your Loss) can be found on the internet at <http://wwwautoaccidentclaims.com> or <http://wwwcaraccidentclaims.com>. This book reveals "How To" successfully handle your motor vehicle accident claim so you won't be taken advantage of. It goes into detail regarding the revolutionary BASE (The Baldyga Auto Accident Settlement Formula). THE BASE FORMULA explains how to determine the value of the "Pain and Suffering" you endured - - because of your personal injury!

DISCLAIMER: The only purpose of this article "BASE ~ THE BALDYGA AUTO ACCIDENT SETTLEMENT EVALUATION FORMULA" is to help readers understand the motor vehicle accident claim process. Neither Dan Baldyga, Tony Lombardozi nor ACRS AUTOMOTIVE COLLISION REPAIR SERVICES NETWORK make any guarantee of any kind whatsoever; NOR do they purport to engage in rendering any professional or legal service; NOR to substitute for a lawyer, an insurance adjuster, claims adjuster, or the like. Wherever such help is desired it is THE INDIVIDUALS RESPONSIBILITY to obtain such services.