

HOW TO NEGOTIATE A SETTLEMENT WITH THE CLAIMS ADJUSTER

By: Dan Baldyga

You and I. M. Strong, the adjuster from Granite Mountain Insurance, are sitting at your kitchen table in an attempt to settle your claim.

Strong is all wound up and on the offensive, rambling on and on about how your injuries weren't serious. His typical pitch usually goes something like, "Look, I've been at this a long time. I've talked to people like you, day in and day out, for over twenty years. People who've gone through exactly what happened to you, with the same sort of claim as yours. Sure, you had a period of discomfort but your so-called injuries were routine. Believe me when I tell you they aren't worth much."

You are stunned. You can't believe what Strong is trying to pull. You say, "Hey, I've been miserable! There was no way I could get back to work because of the pain in my neck and back."

Strong shifts in his seat and a victorious look (one that says he knows it all) begins to march across his face. At that point he'll predictably state, "Look, I can tell you, after handling thousands of cases like yours, that the discomfort you may have had, for a couple of days at the most, are relatively minor. They don't even come close to justifying the three weeks of work you lost and the disability you and your doctor are claiming".

You're thunderstruck! Now he comes at you from another angle, "I've seen thousands of cases like yours and I've had more than my share of exposure to personal injury claims, examinations, doctor-talk and recovery - - the whole nine yards. I've seen physical trauma at its slightest and its worst. Any judge or jury would know, once they heard about your so-called "injuries" that your physical problems were almost non-existent".

He'll take a minute to let that sink in and then he'll attempt to sway you even more by telling you he can prove your time lost from work was not compatible with the injury involved. He'll hint around about some "independent information" he's supposedly gathered from your neighbors and/or business associates, which indicate you have been involved in "very active" physical activities since the accident.

Once he lets that one sink in he'll ramble on about the "independent examination" the doctor hired by Granite Mountain executed, telling you, with outrageous confidence, that his doctor's Medical Report states there was little, if anything, wrong with you. Then he'll surely try this one on for size: "My doctor is a professional. The only people he ever sees are those who've been in motor vehicle accidents. That's what he does all day long, check out personal injury claims like yours. His report clearly states your physical problems were almost non-existent.

He hums a happy tune to himself as he observes the amazement marching across your face and that drum beat he's heard so very often begins to pound away within the gray matter between his ears: Boom/Boom/Boom, declaring, "I gotcha!, I gotcha!, I gotcha!, I gotcha!, I gotcha!"

If you let Strong get away with that than his attempt at downgrading your disability will have been successful. As a way of "proving" what happened to you wasn't serious he will describe your "so-called injuries" with fancy medical language and then compare them to the more extreme types of personal injury problems or conditions he's dealt with in the past. The implication being yours were obviously minor and have little, if any, value.

At that point he'll read the statements and opinions in your own Attending Physicians Medical Report in such a way which, if not read properly, he'll insist proves, "You may have been a little sore from a slight injury but it clearly states you certainly didn't have any serious physical problems". (You can bet every dollar in your wallet that he's made that statement several thousand times)!

You're quickly discovering that neither Adjuster I. M. Strong nor his supervisors at Granite Mountain Insurance are going to be fair. They're out to take advantage of you. That's the name of their game and that's what they get paid to do.

Question: Is that really true? Answer: Yes, it's really true. Take it from Dan, I was on that firing line for 30 years!

From that point on you shut down. You be the listener. Let him babble on. When he's finally done, you say, "Your points about my injuries are very interesting. I'd like to discuss them in detail with my doctor". Pause and then add, "We'll call this off for now while I go back and consult with him."

Before he answers you should get up, smile, point towards the kitchen door and bid him "Goodbye". If he balks, sneak a peek at your watch, tell him you're late for another appointment and insist your meeting is over. He'll have no choice but to leave.

If you do that here's what you'll have accomplished:

(1) You'll have seized the bargaining "momentum" and control from the adjuster and, if you remain adamant he'll never get them back.

(2) Served notice on him that it's you, not he, who will now call the shots in the negotiation "Power Game" he's been playing.

(3) Impressed the adjuster that the settlement will be done on your terms, not his. You may ask: Okay, I threw the adjuster out and let him politely but surely know I'm not going to buy into his nonsense. So, when this all gets played out, what have I accomplished?

The answer is: I. M. Strong is aware you've not bought into his pitch and in his secret heart he perceives that reality. For those in the home office (so as to know exactly where they stand) his instructions have always been that everything that passed between the two of you is placed into the reports he continues to send in, regarding the settlement talks he's been having with you. So, the fact that you're not buying his story, will go into your file to be read by that adjusters superiors. Once they do they'll have no choice but to conclude that you're no pushover! You're going to stick to your guns because you're right and the Medical Report your attending physician executed for Adjuster Smart is legit. You know that both your "pain and suffering" and the length of recovery from your injuries, has been clearly stated.

Smart has correctly assumed that you're not accepting his usual pitch, filled with mumbo-jumbo nonsense, yet so often works. It's beginning to dawn on him if he doesn't change his tactics you're going to hand you case over to an attorney and his superiors at Granite Mountain won't be dancing for joy should that come to pass.

Wait five or six weeks then call Smart and ask him to come back to talk some more. I flat out guarantee you the next time you meet the power will have shifted into your corner and you'll never again hear him attempt to minimize your injuries. That often comes to pass because he's received this typical six word, one line memo, from his supervisor at the home office, "Settle this one and move on" Granite Mountain will have reached the point where they're satisfied to pay and get rid of you. Why? Because personal injury claims continue to pile up and clog their incoming pipeline. They've got a lot of other unsuspecting prey to trap and shoot and it's clear you're an individual who's too wise, too tough and too difficult for them to fuss with any longer.

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**Dan Baldyga's latest book AUTO ACCIDENT PERSONAL INJURY INSURANCE CLAIM (How To Evaluate And Settle Your Loss) can be found on the internet at his web site <http://www.autoaccidentclaims.com> visit your favorite bookstore.
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