

## **YOUR MOTOR VEHICLE ACCIDENT CLAIM IT'S TIME TO SETTLE - - ARE YOU READY ?**

**By: Dan Baldyga**

Itâ's been a loooong time now that Fred Fuddle smashed into you broadside doing several thousand dollars Property Damage to your motor vehicle and causing you to suffer a Personal Injury. Fuddle was cited by the police for running a Stop Sign. You and the insurance adjuster I. M. Smart, who represents Fuddles carrier The Rock Solid Insurance Company, have jostled each other around enough. You've returned to work and your "Doc Comfort" has released you from any further treatment. You're now ready to settle your claim plus to be reimbursed for the days, weeks and/or months of "pain and suffering" you've had to endure.

So now, let's consider the 7 most important areas you must take into account - - so you'll end up with the tallest pile of settlement dollars possible:

**#1.LIABILITY: Don't let Smart go on and on about "Contributory Negligence"**

**Re: Who's at fault? You tell him you've read and learned that in the majority of motor vehicle accidents statistics prove fault can easily be determined, and the records show that in 83 percent of accidents it's clear who was at fault. End your response with, "Look, your boy was nailed for running a Stop Sign, so let's cut out this fault stuff and get down to brass tacks".**

**#2. TYPE OF INJURY: If there are severe injuries (which 2002 records prove were the result of only 10 to 15 percent of all motor vehicle accidents) you should obtain the services of an attorney. But, if you've had minor to moderate injuries like for example: Whiplash, bumps, bruises, sprains and/or strains, you can and should settle the claim yourself without being forced to hand a lawyer 1/3 of your recovery for doing little or nothing to earn it.**

**THE FOLLOWING ARE FOUR SPECIAL CATEGORIES**

**REFERRED TO (AND UTILIZED) IN PERSONAL INJURY LITIGATION**

**(a) TEMPORARY TOTAL DISABILITY: This is the seriously injured person who was temporarily hospitalized, (or perhaps impaired at home for awhile) but expected to eventually regain full function.**

**(b) TEMPORARY PARTIAL DISABILITY: This comes to pass when, following the initial period of complete impairment of the seriously injured party (that period of "Temporary Total Disability") one must recover from and are able to resume some (but unfortunately not all) of their formal activities.**

**(c) PERMANENT TOTAL DISABILITY: This describes a condition (usually in the most severe cases) in which the injury produces a total impairment to the body as a whole - - again, placing the emphasis both on the extent of the functional impairment, and its duration.**

**(d) PERMANENT PARTIAL DISABILITY: This is when the injured party still retains some substantial body function or earning capacity. The emphasis here is centered on the extent of the functional impairment itself.**

**MEDICAL BILL COVERAGES**

Be sure to review your Motor Vehicle Accident Insurance Policy to discover if you have what is usually identified as “Medical Payments” coverage. Also check all your non-automobile insurance policies. You may have coverage(s) to pay your medical bills - - regardless of who was at fault. If you have a Health Insurance policy and/or Health Plan of some sort, read the fine print. Your policy may not require you to pay back the medical payments made to you from them - - even when you later collect from Rock Solid Insurance!

**#3. TYPE OF PERSON YOU ARE:** Rate yourself, and be brutally honest. You’re most likely Mr. Average Joe, living a normal life. However, if you enjoy your shots and beers and that often gets your posterior in a sling (a fact well known to the local police) you’ll have to take that into consideration when forming expectations about the amount of dollars Rock Solid is willing to pony up to settle your claim. If Smart gets into that you should respond with, “Look, what you’re telling me has nothing to do with what we’re talking about here. Your guy ran a stop sign. This case is never going to court and you know it. We’re not talking about liability here - - only how much money you should pay me to settle my claim. So, let’s get on with it. Just do the right thing. I got creamed and you owe me some big bucks.”

**#4. TYPE OF PERSON FRED FUDDLE IS:** The better Fred Fuddle looks, or the better the “entity” of the owner of the vehicle (Fuddle’s business or company, etc.) appears, the better for Rock Solid. But, if Fuddle is the town drunk and a first rate trouble maker, Rock Solid is up to their eyeballs with settlement problems. On the other hand, if Fuddle is a well-loved philanthropist, that can be a plus for Rock Solid. And, if the “entity” that smashed into you was a van driven by Pastor Fuddle, and the named insured is The Fuddle Camp For Lost Souls, that can come down on the plus side of the scale for Adjuster I. M. Smart and the people who pay his salary, The Rock Solid Insurance Company.

However, if the “entity” that hit you was a dilapidated junk pile on wheels operated by a stumbling, stammering, whacked-out Fred Fuddle and the named insured is identified as The Fuddle Slam-Bang Refuse Company, that’s a huge minus for Rock Solid.

When there’s a question of liability (who was at fault) these factors often come into play. However, in this (above) particular example, Fuddle ran a Stop Sign and was cited for it. Whatever may be negative, and happens to crash down on your side of the scale, is meaningless, when it comes to placing a value on your “Pain and Suffering”.

**#5. DAMAGES:** There are two areas here that must be addressed: “Medical Special Damages” and “Non-Medical Special Damages”.

(a) **MEDICAL “SPECIAL DAMAGES”:** These include cost of Ambulance, Emergency Room Care, Hospital or Clinic charges, Doctor, Chiropractor, Specialist and/or Dentist, Over-the-Counter Drugs, and/or prescription Medications, Laboratory Fees and Services, Diagnostic Tests (X-Rays and CT Scan), Prosthetic Appliances or Surgical Apparatus (Canes & Crutches), Physical Therapy and/or Practical Nurse Fees, Ace Bandages, Gauze and Tape, Heating Pads, Creams, Lotions, Ointments, Balms and Salves.

When it comes to listing your Medical Special Damage “expenses” don’t overlook one single dollar because, when it comes time to settle your claim, that dollar can

increase the value of the payment made for your "Pain and Suffering" by three or five dollars!

**QUESTION:** What exactly does that mean? **ANSWER:** It means that a \$10.00 "Special Damage" bill is worth \$30.00 to \$50.00 more, in your pocket, from Rock Solid at settlement time. That's a fact of life in the business of insurance claims. Take it from Dan who battled his way through and within America's insurance claim program/system for over 35 years. Believe me when I say, "You can take this to the bank".

**(b) NON-MEDICAL "SPECIAL DAMAGES":** These typically include Lost Wages and Earnings, Lost Vacation Time and Sick Leave, Travel Expenses (car rentals, public transportation - - also any expenses incurred getting to and from the doctor and/or hospital) plus Household Help during disability and even Child Care.

**LOST WAGES AND EARNINGS:** This is an area where adjusters often take terrible advantage of people because most know so little about it. Although Smart will never tell you, Commissions and/or Overtime can be of great advantage to you. Don't let him heap a snow job on you about this particular situation. Obtain a documented letter of proof from your employer (which must include all "other" payments that would have been made to you, for any other income lost, during that same period). This can make a huge difference in the value of your claim. Don't let Smart twist the facts regarding this additional lost income. The time you lost from work (including within it all the extra dollars you may have also lost) is calculated and this element constitutes what is known as "Lost Wages", or "Lost Wage Verification". (Smart may attempt to go to battle with you over this but you must stick to your guns. He's only trying to manipulate you with one of his typical, and usually most successful, "Con-Jobs").

Did the injury necessitate a change of job or employment at a lesser rate? Or, did the injury allow you to return to work but only on a part-time basis? If the answer to either one of those questions is "Yes", ask your employer to document these facts on his letterhead.

If you're salaried you should obtain a statement of lost earnings, or "Time Lost Verification", on your employer's letterhead. (This is absolutely Legitimate. Don't let Smart tell you its not)!

**LISTEN CLOSELY TO THIS ONE:** In some states you're still entitled to compensation for time and earnings, even if you have no actual loss of money! Such as, for example, when your salary is paid for by your own insurance or by taking sick leave, or a similar arrangement. If Smart gives you an argument on this (and he usually will) you tell him you've read up on it and he's dead wrong!

**IF YOU'RE SELF-EMPLOYED:** To prove your lost income you'll probably have to assemble your routine bookkeeping for Smart to review. If you balk at the idea of submitting personal documents to him (in the privacy of your home or office) your only alternative will be to produce them in front of a judge and/or jury in the wide-open environment of a courtroom. Under normal circumstances, if you want to prove your damages and collect the compensation that's due you, this is your only alternative.

**IT'S ABSOLUTELY CRUCIAL FOR YOU TO KNOW THE FOLLOWING:**

Even if you've been paid while out of work, you can still compute your lost time

from work as “Lost Wages” to discover what your “Pain and Suffering” is worth. This can be achieved by executing BASE (The Baldyga Auto Accident Settlement Evaluation Formula) found in Dan Baldyga's third insurance claim book **AUTO ACCIDENT PERSONAL INJURY INSURANCE CLAIM (How To Evaluate And Settle Your Loss)**. Go to <http://www.autoaccidentclaims.com> to learn how to obtain this book and also to learn all about **THE BASE FORMULA**.

**#6. PROPERTY DAMAGE EXPENSES:** These include auto repair, damaged clothing, broken glasses, cost of substitute car rentals, plus towing, etc. Keep the originals of all bills. Be sure to have all documents in your possession when you and Smart finally hunker down to “Talk Turkey”. Photocopies are absolutely sufficient to give him.

**#7. YOUR AGE:** Motor vehicle accident victims between the ages of 3 or 5 and into their pre-teens, generally have outstanding settlement results. Those between the ages of 20 and 55 have a fair case because they're generally considered to be at the height of their physical stamina. Those in their late 60's (and over) often fare extremely well! This is due to the sympathy they often invoke, from a judge and/or jury, when it comes to generalized attitudes regarding frailty and the elderly.

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#### **NEVER FORGET**

Adjusters like I. M. Smart play a crucial role when it comes to the evaluation of your case. So, “Be nice”! Never underestimate the importance of his impressions and conclusions! What Smart feels and reports about you, his insured Fred Fuddle, and/or possible witnesses (in addition to the evidence you've documented for him) has a heavy influence on his superiors - - those individuals back in the Claims Department at The Rock Solid Insurance Home Office, reading Smarts memos, as they come flowing in over the months and months of his negotiation talks with you - - and then finally, when it comes to placing a value on your claim.

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Everything you've read in this article is true. Dan knows because, for over three decades, he was there where he saw and done that!

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**DISCLAIMER:** The only purpose of this article, ~ **YOUR MOTOR VEHICLE ACCIDENT CLAIM ~ IT'S TIME TO SETTLE - - AREYOU READY ?** is to help readers understand the motor vehicle accident claim process. Neither Dan Baldyga, Tony Lombardozzi nor **AUTOMOTIVE COLLISION REPAIR SERVICES NETWORK** make any kind of 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, or claims consultant, or the like. Where such professional help is desired it is the **INDIVIDUALS RESPONSIBILITY** to obtain said services.

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