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How To Calculate Your Whiplash Claim

By Mumtaz Shah

Whiplash settlements can be confusing if you don't know what to look for? Learn how to calculate your whiplash claim straight from this page.

How much is the pain and discomfort of your whiplash injury worth? A fair question, after all a whiplash injury is painful - so you should be compensated accordingly. Unfortunately, however, the level of compensation you get for your injury following an accident will depend on a number of variable factors.

The Whiplash Compensation Claim

The first of the variable factors will depend on how you make your whiplash injury claim. If you make a compensation claim directly against the insurance company, then you will likely be compensated in accordance with the settlement agreement you make with the insurance company.

However, if you decide to seek the advice of a compensation solicitor to handle your whiplash compensation, then you could be entitled to compensation categorised as

- (i) General Damages and
- (2) Special Damages.

General Damages For Whiplash

The overall amount that you may be entitled to under General Damages is difficult to determine as it is paid for the physical pain and suffering (i.e. the actual damage - such as a whiplash neck injury or something more serious) that you encounter as a direct result of the accident you had.

You may also be allowed to claim for emotional pain and loss of enjoyment of life as part of General Damages. Finally, if the pain and suffering you encounter as a result of your injury causes you to suffer psychological disorders, such as depression, then this may also be included in your compensation claim.

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Although General Damage sums awarded by a court will be dependant on their set guidelines, the details of your medical report detailing the extent of the whiplash, the actual injuries caused, and the possible harm it has had on your emotional state will, all play a pivotal part in the whiplash injury claim.

Special Damages For Whiplash

Unlike General Damages, Special Damages can be fixed to some degree and are payable to you as a result of you having encountered certain special losses because of the accident.

In particular, Special Damages are payable on any loss of earnings (including any potential loss of future earnings as a result of the accident) you may have to endure while you recover from the accident; car hire expenses you have to pay as a result of your car being in the repair shop; if you have to pay someone to look after you while you recover from your whiplash, these can be recovered; and if

you have paid for medical attention to treat the injury, you can also include these in your claim.

If you want to claim for Special Damages you need to keep a careful track of all the payments you have made and where possible you'll need to have receipts.

Insurance Settlement

If you decide that you do not want to make a whiplash injury compensation claim through the courts, then you need to agree to enter into a settlement agreement with the insurance company. In this case you need to make sure you read the terms of the settlement agreement very carefully as insurance settlement claims usually contain provisions

- (1) that the insurance company can pay you in instalments, rather than a one-off lump-sum payment;
- (2) that once you have been paid the whiplash compensation by the insurance company you cannot reopen the claim in the future to try and get some more money and agree to no longer hold the insurance company liable for any future cost or loss.

Limitation Period To Bring A Claim

If you have recently suffered a whiplash injury, then you have a period of 3 years from the date of the injury in which to bring proceedings to court. If you fail to bring your whiplash compensation claim to the courts within this time you will have forfeited your right to make a claim.

Whiplash Injury Solicitor

Whether you have suffered a neck injury, back injury, or bruising, in order to know exactly what your rights are you should seek a consultation with a personal injury solicitor or lawyer as soon as you can following the accident and in any case before you agree to sign any settlement agreement with any insurance company as they are not obligated to tell you what your legal rights are but also what compensation you should be entitled to.

How To Calculate Your Whiplash Claim

It's easy to proceed with a whiplash compensation and gain maximum results without the hassle, costs and confusion. Discover the 12 revolutions of injury claims at

<http://www.100percent-compensation.co.uk/articles/whiplash-claim.html>

Whiplash Compensation Claim – Take These Actions

By Mumtaz Shah

What steps will you take when you wake up the next morning, after a car accident with aches and pains? Some say it's nothing, some say it's the bed and some say it's whiplash, but what do you think?

Even the most cynical of us would agree that occasionally accidents do happen. However, more often than not, an 'accident' isn't really an 'accident' at all and a certain level of fault for the accident has to be placed squarely on the shoulder of the person who caused the accident. The same is certainly true in the case of a car accident. So, how would you go about getting proper whiplash compensation following a car accident?

Unlike other injuries that can occur in a car accident, more often than not the symptoms of whiplash, such as a whiplash neck injury, will not manifest themselves until the morning after. Usually, the accident will cause the whiplash to manifest in the form of:

- a headache, most likely all over the head with particular emphasis on the back of the head, or the forehead, or behind the eyes of the victim; or
- neck pain; or
- both of the above, with the headache likely to be more painful initially than the neck ache, but with the neck ache likely to be more prolonged and with the chance of this developing into Osteoarthritis in the future.

So, with an accident injury of this nature, i.e. one that does not manifest itself immediately, you would think that making a whiplash injury compensation claim would be an extremely onerous task - as causation proof of the injury would be difficult. However, you can make it easier to make a compensation claim for whiplash if you adhere to the following guideline procedures following the accident:

1. As Soon As You Can, Write Down Exactly What Happened That Caused The Accident To Happen

When you write your notes about what happened to cause the accident, which you should try and do as soon as you can following the accident. You need to make notes of exactly what happened leading up to the accident, during the accident and subsequent to the accident. You should also take note of:

- where the accident took place

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- what the weather conditions were like (e.g. was it foggy and slippery?)
- what the time was
- whether there were any witnesses who can verify your story
- exactly what you said to the other person(s) involved

If possible you should use your mobile phone camera to take photographs of the damage done to

your car and you, as well as of the road surface and the general weather conditions.

2. Have A Medical Examination Immediately

Even if you are not feeling too bad following your accident, it can take a few hours, even a sleep, for the symptoms of whiplash to manifest. However, the longer you leave it until you get a medical examination the more chance there will be that the person who caused the accident can say that your injuries could have been caused by something else other than the car accident. Or, worse, the whiplash injuries could have been mitigated if only you had sought medical attention earlier.

To protect both yourself and your potential whiplash injury compensation claim, you should take yourself off to the hospital and have a complete medical examination as soon as you can, following the accident. Once you have had the examination you should ask the doctor to write a report detailing the chances of you having suffered an injury as a result of the accident - including the chances of you having suffered whiplash.

If you do this, you may well find that it is a lot harder for the person who caused your injury to claim that the whiplash was the cause of anything but their actions.

Keep in mind that whiplash injuries can have lasting effects. They can also have a very dramatic effect on your life - especially if they manifest into Osteoarthritis. So do not take a potential whiplash injury lightly and make sure that you protect any future rights that you may have to bring a whiplash injury claim.

It's easy to proceed with a whiplash compensation and gain maximum results without the hassle, costs and confusion. Discover the 12 revolutions of whiplash injury claims at

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