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How to Negotiate A Settlement With An Insurance Claims Adjuster

By Dan Baldyga

How to Negotiate A Settlement With An Insurance 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 motor vehicle accident 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're stunned. You can't believe what Strong is trying to pull. You say, "I've been miserable! There was no way I could get back to work because of the pain in my neck and back."

Strong shift's in his seat and a victorious look (one that says he knows it all) begins to march across his face. At that point he predictably states, "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 week's of work you lost and the disability you and your doctor are claiming".

Now you're thunderstruck! He smiles to himself and 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've been involved in "very active" physical activities since the accident.

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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 doctors 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!"

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'll 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.

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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 report's he continues to send in, regarding the settlement talk's 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 or visit your favorite bookstore.

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Dan Baldyga

For 30 years Dan Baldyga was a claims adjuster, supervisor, manager and also a trial assistant. He is now retired and spends his time attempting to assist those involved in motor vehicle accident claims so they will not be taken advantage of.

Insurance Adjusters How They Work And How They Think

By Dan Baldyga

Here comes the insurance adjuster. Is he overly friendly? If so, watch out! It's OK to be hospitable. Be good-tempered and cordial – – but beware! Never forget he's paid to save his company as much money as he can. That's the name of his game.

DON'T SIGN ANYTHING: Don't overestimate the good will of the adjuster. They're trained to investigate accident cases in such a way, if at all possible, to make their insured look good. Many unsuspecting individuals fall prey to the adjuster who seeks to protect his company's pocketbook at the expense of a legitimate claimant.

If a company calls you and suggests they take your statement over the telephone, tell them you would prefer to meet with an adjuster. Don't agree to dictate a verbal statement into a tape recorder over the phone, and certainly not when you're in the presence of an adjuster. Don't sign a statement when you meet with him. Whatever the circumstance may be, advise whomever you're dealing with that you'll be more than willing to provide a signed statement, after your claim has been settled.

HOW TO PROCEED WITH THE ADJUSTER: Be pleasant, but firm. No matter how much in the wrong the person is that hit you, no matter how they acted at the scene of the accident, and no matter what they may have verbalized to or at you, don't take it out on the adjuster. It's not the adjuster's fault if his insured is an idiot.

You must never underestimate the importance of the adjuster's impressions and conclusions, all of which go into your file. What he feels and reports about you have a great influence on the final disposition of your claim. If he likes you that's money in the bank. On the other hand, if he gets upset with you he has the ability to twist the facts to make you look bad. Once that's been done, it will be set in cement, go into your file and, without you're ever being aware of it and haunt you to the last dollar of your settlement.

THE ADJUSTERS CLAIM LOAD: The job performance of insurance adjusters is judged not only on how little of the company's money they spend in settlements, but also on how quickly they settle the claims assigned to them. They're constantly under pressure to settle your claim; to get rid of it and move on. The adjuster will never tell you, but the weight of their caseload comes down on your side of the scale. It's an advantage people are never aware of.

THE ADJUSTERS SETTLEMENT AUTHORITY: The Adjuster's authority to settle claims on their own is restricted on how much experience they have. For a less experienced adjuster, perhaps \$5,000 to

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\$10,000, but for a more experienced adjuster, their settlement authority may go as high as \$20,000. When bigger bucks are involved they usually have to be given permission to settle the case from their immediate supervisor.

THE BOTTOM LINE: Don't let a sweet talking insurance adjuster manipulate you into feeling good about your relationship with him and the eventual outcome of your claim. In the vast majority of

instances that's not the way you should play the game because if provided with the opportunity, they'll almost always take advantage of you. That's a fact of life. Know and understand that they're only doing their job. Their assignment is to save money for the company who signs their paychecks – – no matter what it takes.

If you have a legitimate claim stay cool and understand what you're up against. Don't be impossible to deal with, but remain steady. Remember that the adjuster wants to look good to his company. He doesn't want your claim to end up in court, plus he wants to reduce his caseload. Be patient. At the end of the day, after the dust has settled, he'll be forced to do the right thing.

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