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INSURANCE CLAIM: COLLECTING FOR YOUR LOST WAGES

By Dan Baldyga

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by: **Dan Baldyga**

A couple months ago you were toolin' on down the avenue, minding your own business, when out of nowhere, this fumbling, stumbling man by the name of Freddie Fuddle flew through a Stop Sign and plowed into you with a gigantic, rip-roaring, screeching broadside. You were wearing your seat belt but it was still a thundering crash that wrenched and whipped you around the inside of your motor vehicle something fierce!

Now, after a long recovery period, Fuddle's carrier, Granite Mountain Insurance is clamoring to close the case and they've assigned Claims Adjuster I. M. Strong, to handle your case. You and Strong are sitting at your kitchen table talking about your settlement dollars. It turns out he's got some hang-up's regarding your lost income. Well, here are some things you need to know:

Lost wages are one of the most important element's of your damages. Listen to me carefully when I say, "You should not think about the days you missed from work as Lost Time and Earnings. It's not Lost Time and Earnings -- it's Lost Earning Capacity"

You ask, "What's Lost Earning Capacity all about? I thought I could only collect for my Lost Income?" The answer to that is, "In many situations you can claim lost income EVEN IF YOU HAVEN'T LOST ONE SINGLE PENNY ". For example, this can happen when your salary is paid because you've elected to apply for the sick leave that's due you, or because of an Accident and Health Policy available for you to take advantage of, or some other such arrangement.

In most instances -- even if you were paid while out of work -- you should still get that money routinely identified as Lost Wages. Why? Because that's your Lost Earning Capacity. Your Lost Earning Capacity is what's called a Compensatory Damage. Don't let Strong swindle you out of that Compensatory Damage. Even if you've received an income, in some other way, you're still entitled to it. Strong will do everything he can to take advantage of you, especially when it comes to getting paid for your Lost Earning Capacity. During the course of every settlement negotiation he gets involved in,

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he'll try that tactic on for size, and it's mind-boggling how often he gets away with it.

The typical statement made at that point, by the unsuspecting claimant is, "Hey, I understand I'm to be paid for my lost wages."

Strong answers, "You collected \$200.00 a week from your Accident and Health Policy didn't you?"

"Yeah, but my average weekly income last year was \$275.00 a week."

"Okay", I. M. Strong flashes a well practiced, winning smile, that tells you he's a fair insurance claim adjuster, when in his black heart, he knows he isn't, "We'll pay you that \$75.00 a week difference. Let's see, you were laid up and unable to work for 5 weeks. 5 times \$75.00 is \$375.00. Don't worry my friend, I'll see to it you're paid that \$375.00."

"Wow!" you think, "that's terrific !." You're thrilled to death with this great turn of events. But what you don't know is that the \$200.00 a week you've received from your Accident and Health Policy has absolutely nothing to do with your lost income. The bottom line is that Smart has just cheated you out of a thousand dollars! And, worse than that, the \$275.00 a week income you lost (for a total of \$1,375.00) would have (in a court of law) given your case \$4,000.00 to \$5,000.00 more value in settlement dollars.

DOCUMENTING LOST INCOME: Ask the company you work for to write a letter on their official stationary declaring your gross salary income and the days you lost from work.

GROSS PAY VS. NET PAY: You should collect the "gross" wage's you lost, not the "net".

TOTAL DISABILITY and/or PARTIAL DISABILITY: For every week of Total Disability (a fact which must be stated in your doctors Final Medical Report) you should use your gross weekly income – even if you were paid! (For every week of Partial Disability your doctor states in that Final Medical Report, you have the right to claim a substantial percentage of your income, during that period, even if you didn't lose any).

Because the following five points give value to your claim be ready to talk with Smart about and, wherever possible, prove:

(1) If your work demands heavy labor and/or lifting. (2) If you lost any vacation time or sick leave. (3) If there was any possible loss of money you could have earned in the future – either with your company or maybe other income you've got bubbling and boiling on the side. (4) If you had to forgo any bonuses. (5) If you lost an opportunity that would have led to a better job.

If any of the above five points are true than your claim is worth more money!

THE CRUCIAL MEDICAL REPORT: The Granite Mountain Insurance Company and Adjuster I. M. Strong know that the longer your recovery period, the greater your "pain and suffering", therefore the higher the settlement value of your bodily injury claim. Your Chiropractor or Attending Physician must

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also note this in his Final Medical Report. Tell him to state exactly how long it will be, before you can get back to routine activities like golf, hunting, fishing and/or rockin' and rollin' with your lady friends.

As long as you have problems keep right on going back to see your doctor, again and again, even if it drives the poor bugger nuts! Do this because the fact that your records show a visit to him, four, eight, or twelve weeks after the accident, proves your injury needed constant attention, therefore you were unable to work. Also because, when you visit your doctor and tell him there's no let-up of your pain, discomfort, stiffness or immobility – – those continuing problems must be written into the Medical Report he'll provide for you when you've finished treatment. That's the one you'll hand to Adjuster Smart when the two of you begin to talk turkey. As he reads it you'll watch him frown, then blanch as that cocky smile disappears from his face. When you see him do that you`ll know, "ya got him"!

DISCLAIMER: The only purpose of this claim tip is to help people understand the motor vehicle accident claim process. Neither Dan Baldyga nor Article City 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, or claims consultant, or the like. Where such professional help is desired it is the **INDIVIDUAL'S RESPONSIBILITY** to obtain said services.

Dan Badyga's latest book *Auto Accident Personal Injury Insurance Claim (How To Evaluate And Settle Your Loss)* can be found at

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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. Mail to:

Inside-Information Regarding Your Motor Vehicle Accident Insurance Claim

By Dan Baldyga

Here's some "Inside-Info" you must know so you won't be taken advantage of on your motor vehicle accident insurance claim and also: **SO YOU CAN COLLECT EVERY DOLLAR THAT'S OWED TO YOU !**

The following 8 are just "The Tip Of The Iceberg":

- #1. There are situations where you can collect for your "Lost Wages" even if you were paid by your employer and/or collected "Sick Leave" while unable to work.
- #2. You can collect money and be reimbursed for any and all "Over The Counter" (non-prescription) medication you purchased during your recovery.
- #3. Under normal circumstances unless a claim ends up in court (several years after impact has taken

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place and you are fully recovered) you do not have to agree to be examined by the insurance company's doctor.

#4. There are many times that come to pass where you are entitled to collect the "Gross Amount" of your lost wages, not the so-called "Net After Taxes".

#5. If you're a housewife, you can often recover for "Lost Wages" (based on the "Value" of a maid or a domestic servant, who would execute the same work) which you could not perform due to the injury.

#6. You are entitled to extra compensation if you can prove you were forced to cancel a vacation and/or a special event.

#7. Under certain circumstances you may be able to make a claim (and collect for) a personal injury even if your state is "No-Fault" and you already have PIP (Personal Injury Protection) coverage.

#8. Your friends, and even relatives, have the right to execute statements which you can send to adjusters (and/or anybody you feel should get one) going into detail as to what happened to your body and what they've observed you've had to deal with (via your "Pain and Suffering") during your period of recovery.

These statements can often provide you with an even greater dollar value -- when it comes to the calculation and then the ultimate settlement of your personal injury claim!

DISCLAIMER: The above article "INSIDE-INFORMATION REGARDING YOUR MOTOR VEHICLE ACCIDENT CLAIM" is to help people understand the motor vehicle accident claim process. Neither Dan Baldyga, nor ARTICLE CITY any guarantee of any kind whatsoever, NOR to they purport to engage in rendering any professional or legal service, substitute for a lawyer, an insurance adjuster, or claims consultant, or the like. Where such professional help is desired IT IS THE INDIVIDUAL'S

RESPONSIBILITY to obtain it.

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

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. This book reveals "How To"

successfully handle your motor vehicle accident claim, so you won't be taken advantage of. It also goes into detail regarding **BASE (The Baldyga Auto Accident Settlement Evaluation Formula)**. **THE BASE FORMULA** explains how to determine the value of the "Pain and Suffering" you endured -- because of your personal injury !

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Dan Baldyga – Author

AUTO ACCIDENT PERSONAL INJURY INSURANCE CLAIM (How To Evaluate And Settle Your Loss)

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:

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