

NEW MEXICO INJURY ATTORNEY BLOG

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Recovery of Lost Wages in a Personal Injury Case

A personal injury case can be very extremely stressful, emotionally, physically and financially. The primary concern for many who have been injured in a personal injury case, particularly auto accidents, is compensation for time missed from work as a result of the injuries. Lost wages as a result of missed work due to injuries is compensable in damages. In cases with very serious or permanent injuries, lost wages may in fact be the greatest loss suffered as a result of an accident.

To make a claim for lost wages, the necessity for missing work and resultant lost wages must be supported by documentation. This typically begins with a physician's written notes and instructions regarding work duties. The work limitations should result from a the advice of a medical professional to fully validate the claim. It may be hard to argue medical necessity without such medical advice. At some point, the lost wages will be totaled up to reflect the medically necessary missed work days.

For proof of lost wages, the insurance company will want to see pay stubs or past income tax returns in addition to medical records. Proof of lost wages should include information regarding overtime, bonuses and raises, as well as details about missed opportunities for promotion or commissions. In addition, the value of sick time or vacation time that is used for lost work or treatment should be included in the calculation.

In addition to work missed due to the inability to perform job duties, you may also be able to claim time lost from work for ongoing medical appointments due to the injury. These appointments and the missed work that results can mount up over time to significant financial loss particularly for hourly employees.

Serious and permanent injuries may result in demotion and/or termination from employment due to inability to fulfill job duties or excessive absences. In very serious cases, an injured person may never work again. These situations involve lost earning capacity and lost future wages. Insurance companies often call in experts to construct what your future earnings would have been had the accident never happened. In these cases, you are entitled to recover fully for lost future wages and lost earnings capacity above and beyond past lost wages. Because the insurance companies will want to minimize your losses, it is generally necessary to hire your own expert to bring a little reason and fairness to the insurance company's calculations.

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