



## 10 Factors Affecting the Settlement Value of PA Workers' Compensation Claims

### Should I settle my Workers' Comp Case?

The settlement value of a Workers' Compensation case is dependent upon many factors. Below is a list of the top ten. However, only you and an experienced lawyer can really determine the value that is right for your case, and when it is the right time to settle.

- 1 The amount you are receiving or should be receiving.** If your injury stops you from working, you should be receiving weekly or biweekly wage loss checks. Your average weekly wage and corresponding workers' compensation rate are the biggest factors when evaluating a claim. This is the amount that the insurance company is obligated to pay you every week or every other week. The duration of how long you will be paid is also dependent upon many factors.
- 2 The type of injury that occurred at work.** Obviously, the more serious injuries are generally valued higher. The greater your injury does not allow you to work, in any capacity, the more your case is worth. Injuries which do not allow you to return to your previous job are valued higher. That is not to say that injuries that allow you to return to your job have no value. In our experience, all injuries have a settlement value.
- 3 The amount of medical treatment you will require in the future.** Injuries that require definite future medical treatment are worth more than injuries with speculative treatment. Injuries that will require future surgery have a greater value. Also, injuries that require ongoing medications and physical therapy raise the settlement value. When settling, you may be able to settle for money and future medical treatment. Some people elect to receive the cash value of future medical treatment.
- 4 The severity of your injuries and how they impact your work matter.** If your injuries allow you to work and earn close to your average weekly wage, then your case is worthless. Injuries which allow future earning well below your average weekly wage increase the value. Injuries that do not allow you to work in any capacity have a higher value.
- 5 The present status of your claim.** If you are receiving benefits and undergoing no litigation, your claim may be worth more. If the insurance company has evidence and is attempting to reduce what they are paying you, then the value can go down. Furthermore, if the insurance company is trying to terminate your benefits based upon an opinion of full recovery, this too will have a downward effect. If

you are in the process to start your benefits (not getting paid) your claim value can be less dependent upon the reasons the claim has not been picked up.

**6 The lawyer you choose.** Generally, workers' compensation lawyers can determine case values after they have all the necessary information. However, over the years as a lawyer and insurance company representative, we have seen that lawyers who dabble in workers' compensation cases or have no experience at all, generally recover less. That is why it always important to research the lawyer you may choose, and as you do with medical treatment, it never hurts to get a second opinion.

**7 Whether your injury will lead to other future medical problems.** If you have an injury which may cause you to experience other injuries or worsen other problems, your value can be increased. For example, many back injuries lead the injured worker to alter the way they walk, which can affect hips, knees, ankles, and feet. If those new medical problems require expensive treatment, the value may rise.

**8 The Judge deciding your case.** All Pennsylvania Workers' Compensation Judges are fair. However, some are known to be more claimant-friendly than others. This has an effect on the settlement value. An experienced, workers' compensation lawyer can know a particular judge's leanings which can help to determine settlement value.

**9 Your doctor's credibility.** Many cases hinge upon the testimony of the medical experts. The insurance company's doctor will most likely not be in your favor. You need your doctor to support you. Judge's decide many cases by believing one doctor over the other. A doctor with a good history before a particular judge can add to the settlement value. Unfortunately, the converse is also true, that is why it is important to discuss your doctor's testimony with your lawyer.

**10 Your willingness to put up with the fight.** The insurance company is relentless. Their sole purpose is to limit the amount of money they pay out on a claim. Claimants with a strong case who are willing to fight the insurance company have higher settlements. However, there is a time in the case that ongoing fighting will decrease the value. Some claims have limited benefits, and the longer they go, the less the claimant is owed.

Settling a Workers' Compensation case is something you need to be comfortable with and ready to do. There is nothing wrong with settling your case, in fact, most cases resolve this way.

**What matters is that you have all the information from your lawyer to make an informed decision about your future.**

**Talk at no charge or commitment with Attorney Bill Gregory by calling 717.656.5000 or emailing [help@rginjurylaw.com](mailto:help@rginjurylaw.com).**