

First party benefits. These are economic benefits which are usually paid by your own auto insurance company. Even if the injuries are the fault of the other driver, your own insurance company pays your economic losses. This is where the phrase “no fault” comes from. Benefits include the following

“Allowable expenses consisting of all reasonable charges incurred for reasonably necessary products, services and accommodations for an injured person’s care, recovery or rehabilitation.”

- Doctor’s charges;
- Hospital expenses;
- Drugs and medications;
- Mileage to and from therapy and to the doctor’s office;
- Physical therapy;
- Durable medical equipment, including a wheelchair;
- Handicap equipped van;
- Home modifications;
- Aide care;
- Replacement services for home chores up to \$20 per day;
- Funeral expenses up to \$5,000;
- Wage losses up to 3 years after injury;
- Vocational rehabilitation and retraining;

This list is not conclusive. The types of benefits are very broad. If your doctor prescribes it we will attempt to have the insurance company pay it.

You have one year from the date of the accident in which to submit the No-Fault Application for Benefits form to your insurance company, and one year from the date of incurring any claim or expense to submit the claim to your insurance company. You must sue your insurance company within one year of incurring an expense or claim if it does not pay the claim. Failure to meet these deadlines will bar your claim against the insurance company.

Third party claims. These are the claims that can be made against the negligent driver that caused your injuries. If you suffered a “serious impairment of an important bodily function” you may be entitled to non-economic damages. These damages include the following:

- Pain and suffering;
- Emotional distress;
- Fright and shock;
- Loss of mobility;
- Loss of function including sexual dysfunction or limitation;
- Shortening of life expectancy;
- Physical disfigurement;
- Cognitive or emotional impairments.

Under the heading of “non economic” loss we attempt to place a monetary value on the disruption that the accident has caused you to suffer. There is no precise way to measure these losses. What is the value of living pain free? What is fair if you will walk with a limp for the rest of your life?

Another claim that can be made against the negligent driver who caused your injuries are wage losses that are in excess of what is available from your own insurance company.

You have three years from the exact date of the accident to file suit against a negligent driver. Failure to file suit by that date will forever bar your claims.

