

Benefits Arising From An Accident

How To Keep It All Straight

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If you're injured due to an accident, you may be entitled to a number of benefits. The amount you receive may depend on other benefits. Here's how it works.

No Fault - If you're in a motor vehicle accident, incur medical bills and suffer lost wages, your own insurance company will cover those losses regardless of who was at fault in the accident. One exception is if you are injured in an accident during your employment, your employer's worker's compensation carrier will pay your medical expenses and lost wages.

Social Security Disability - In order to be eligible for Social Security Disability (SSD), you must be unable to do any sort of "substantial gainful activity" for a year due to injury or sickness. There is interplay between no-fault and SSD and worker's comp and SSD. Your No-Fault carrier can insist that you apply for SSD. If you receive both SSD and comp, the comp amount is "offset" or deducted from your SSD benefits. This deduction is according to a formula and is not a "dollar for dollar" reduction.

Accident Award or Settlement - If you receive money from your accident case, and receive other benefits, there are some things you should know. It has no effect on your SSD eligibility or benefits, but can make you ineligible for SSI. SSI (Supplemental Security Income) has the same definition for disability as SSD, but you and your family must also have little or no income or assets. Regarding Worker's Comp, there may be a lien due to your comp benefits on your personal injury award that needs to be taken care of. The first \$50,000 in no-fault benefits should not be a lien on your personal injury recovery, but if you received over \$50,000 in "additional personal injury protection" there may be a lien for that amount. Other possible liens on recovery include Social Services, medical payments from your health insurance carrier and New York State Disability. They need to be addressed and negotiated.

Long Term Disability (LTD) - If you have a long-term disability policy, the policy likely has a provision addressing "other benefits". That provision will tell you what benefits will offset or reduce the amount of your LTD monthly benefit.

Okay, I'll admit it is a little confusing. We are always willing to answer your questions – just call or make an appointment.