

A high-angle, long-exposure photograph of a multi-lane highway at night. The image is heavily blurred to convey a sense of fast-moving traffic. A bright light source at the top center creates a strong lens flare and illuminates the scene. A semi-transparent dark rectangle is centered over the image, containing the title text in white.

# The personal injury claim process

Independent.  
Far from impartial.  
We're here for you.

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**Our office and services** Thank you for choosing Letselschade.com to take up your personal injury case. This brochure explains more about us and our services, and provides a brief overview of our process.

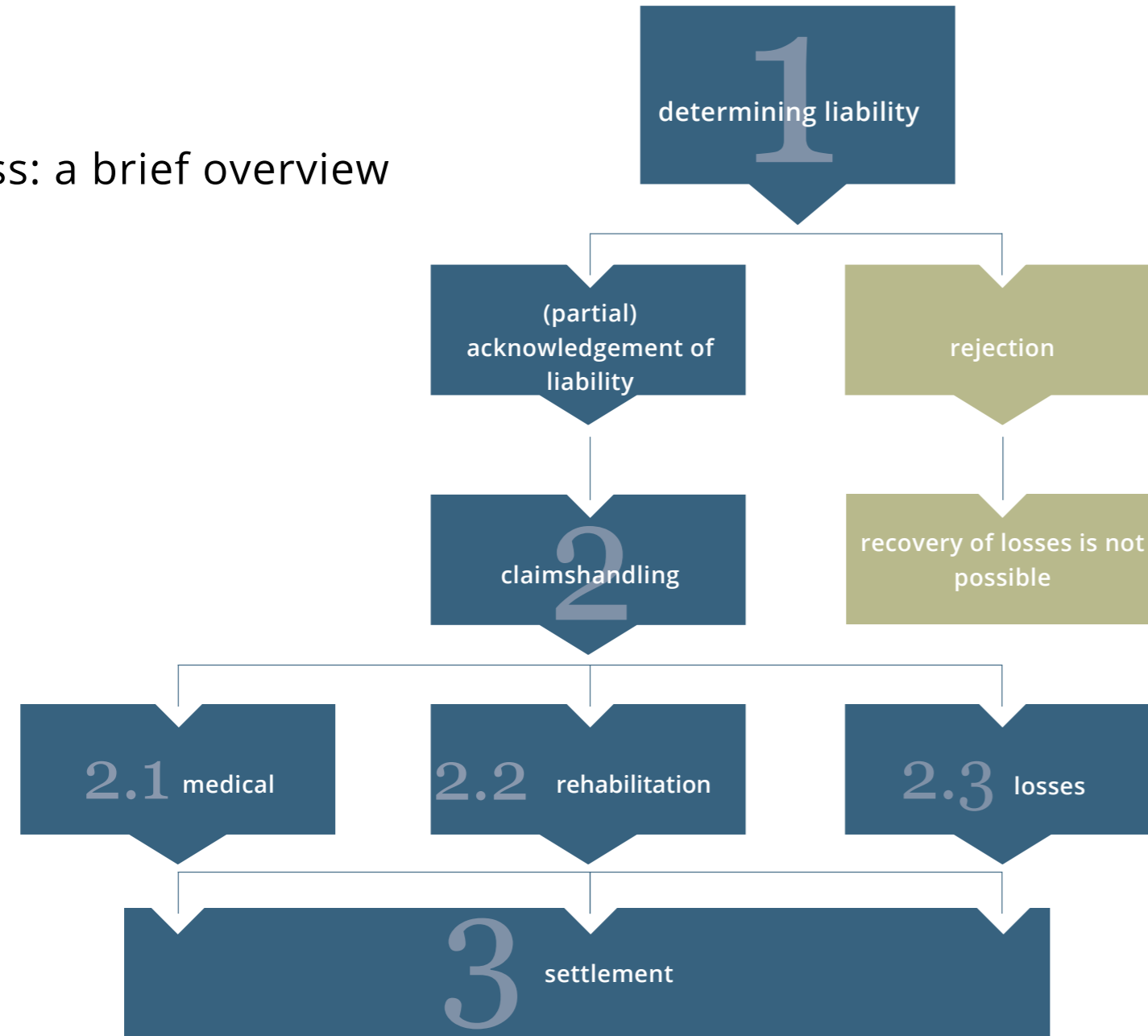
**More about us** Letselschade.com is one of the largest, independent personal injury offices in the Netherlands. Our office specialises in the financial and legal aspects of a personal injury claim and has been representing the interests of victims and relatives in case of a deadly accident since 1990. We are located in Papendrecht.

In the Netherlands, most personal injury cases are settled out of court. As your representative, we work out of court to recover your losses from the responsible party or its insurance company without any legal proceedings. During the entire process, we offer a personal service and expert knowledge. Our specialists are supported by a team of experienced employees.

If any questions remain after reading, please contact us. You can reach us during workdays by phone at 078 -6443440 or by mail via [info@letselschade.com](mailto:info@letselschade.com).



## The process: a brief overview



## 1 determining liability

To determine whether the other party can be held liable for your losses and damages (and to what extent), we need to gather as much information as possible.

We first discuss the particulars of the incident together. Our office will then collect any necessary information, for example, a police report or witness statements. In case of an occupational incident, usually a report is drawn up by the Health and Safety Inspection. Sometimes it can take a while before all the documents have been collected.

As soon as we have gathered sufficient information, we will notify the other party and tell them we hold them liable. The accused party will then assess the liability themselves. According to Dutch regulations, the other party is granted a period of three months to determine their point of view.

Of course, the other party might choose to dispute their liability. In this case, the three-month term might be extended. Should this occur, we will advise you about any subsequent steps we need to take. As always, we will continue to keep you updated.

If you turn out to be (partly) liable, and are in possession of the relevant liability insurance (in the Netherlands this is the SVI insurance), you could recover the costs of your losses and damages from your own insurer. Of course, we are at your service to advise you in this case. Note that many of the steps detailed below also apply to this process.

*Note: You might have received a questionnaire from us. Even if you have already filled in a similar form, we would still like to ask you to complete it and send it to our office.*

Personal service.  
Involved.  
Independence.  
Always on your side.

## 2 claimshandling

### 2.1 medical

After the other party acknowledges its liability, we need to assess exactly what the injury entails and to what extent it relates directly to the accident. This often requires an assessment of the claimant's injury by a doctor in the capacity of a medical advisor. Because medical data is confidential, we will need to request you to fill out several medical authorisation forms. The request and assessment of your medical information is carried out by the medical advisor.

In case a full recovery is to be expected within a period of six months, no medical information is required. Of course, we will then also monitor your recovery process carefully.

Both parties are assisted by medical advisors. Sometimes these advisors will disagree about the, perhaps lasting, consequences of the incident. If these advisors are unable to reach an agreement, an independent medical examination might be needed to settle the dispute.

Your case can only be settled when you have recovered as much as possible and there is no further improvement or deterioration to be expected. This is also referred to as the 'final medical state'. Until that time, our expert will regularly discuss your recovery and treatment with you.

### 2.2 labor expert

If you are temporarily or permanently unable to work due to an accident, please send us the information below as soon as possible:

- **As of what date are you disabled to work?**
- **For what percentage are you disabled?**
- **Are you receiving a full salary? If not, please send us the pay slips showing this.**

Based on this information, we will consider the subsequent steps to be taken. Depending on your situation (and in consultation with the other party), a rehabilitation officer and/or recovery coach can be brought in to support you during your rehabilitation process.

### 2.3 losses

You have a right to recover any losses and damages you have suffered as a result of the accident. In this part of the brochure, we detail the different types of losses and damages, as well as anything else involved.

Losses and damages are divided into two components: material losses and immaterial losses. Material losses can be described as financial losses: the kind you notice on your bank account immediately. Immaterial losses cannot be directly expressed financially, as it concerns an allowance for grief, sorrow, physical pain and (mental) suffering. In Dutch the compensation for immaterial damages is referred to as *smartengeld*.

Your right to compensation depends on the other party acknowledging its liability. Our office will help you present the necessary evidence to prove your case. Without evidence, it is difficult to claim compensation. Some examples of evidence may include invoices, pay slips or other documents.

Throughout the duration of your case, our office will request the liable party to issue advance payments. This is why we carefully document any of your losses and damages throughout the process.

#### What is the 'obligation to limit losses' and how do I comply?

You are allowed to recover your costs from the liable party. However, you are also obliged to keep the costs of your losses and damages within reasonable bounds. This principle is called the *obligation to limit losses and damages*. This means that you should—as long as your injury permits it—not take a taxi when public transport is an equally feasible option. The liable insurer can rightfully expect you to choose the cheaper option.

Minor accident.  
Major consequences.  
We're here for you.

### Material losses and damages: what can I recover?

Material losses and damages can be described as direct financial losses. In this section, we explain some of the most common forms of losses and damage. For more information, please contact us or consult the guidelines set up by the Personal Injury Council.

#### ► Vehicle damage and alternative transport

In the event that your car, motorbike, moped, bicycle or other vehicle has been damaged, a loss adjuster might need to assess the damage. If your insurance broker or the liable party's insurer has not already done this, we can hire an expert for you.

While your car is being repaired, it is possible to recover 75% of the costs of a replacement rental car. This fixed percentage has been agreed on between several parties in order to avoid discussion on the subject. It is common that a rental period does not exceed a period of two weeks. The duration of the rental period will also be assessed to ensure it is within reasonable bounds. Often the maximum rental period is two weeks.

#### ► Replacing or repairing damaged clothing and goods

Damaged clothing and goods can be compensated for based on their current market value. If possible, please notify us of the clothing or good's age and purchase price. If you still have the relevant bills, we would like to receive them.

If the clothing is still repairable, the liable party does not have to pay more than the repair costs. Please send us the bills for these costs.

#### ► Medical costs

In principle, your medical insurer will compensate you for your medical costs. We therefore ask you to send all your medical bills to them. However, you should send us any bills for treatments or costs that will not or only partly be compensated. Any deductibles to be paid due to the incident are also part of your losses. We will recover these costs from the liable party. However, you will have to advance the costs of these deductibles yourself.

#### ► Hospital and revalidations stays

If you suffer additional costs due to a stay at a hospital or revalidation centre, a standard daily compensation amount of € 30 per day applies for hospital stays and € 15 per day for revalidation

centres. This daily compensation covers, among other things, the rent of a television, purchase of reading material, snacks and other refreshments, and, for example, the purchase of additional nightwear.

#### ► Travel costs

You have a right to compensation for any extra travel expenses made because of the incident. For travel by car a standard compensation rate of € 0.26 per kilometre applies. If you use public transport, please send us an overview of your costs. In case you need to regularly visit your place of treatment by taxi, you can apply for taxi compensation via your medical insurer.

If your travel costs are spread out over a longer period, it is easier to keep a record of your costs and send them to us periodically. Please record the following:

- Date of the visit
- Name of the attending doctor/organisation
- The amount of kilometres travelled
- Parking costs



### ► Domestic help

If you are not able to carry out domestic tasks because of your injury, you are able to claim compensation for domestic help. The Personal Injury Council has set up guidelines for the hiring of personal help during the period directly after the incident. Please contact us for more information.

Your municipality might also be able to help you in case you need domestic help for a longer period. For this we would like to refer you to the WMO-office (Social Support Act Office) at your municipality. If your municipality is not able to offer such help, please contact us. We will then try to find a solution in consultation with the liable insurer.

### ► Help with home and garden maintenance

If you suffer additional costs for the maintenance of your home and/or garden due to the incident, these can be compensated. Please contact us to discuss the options. Compensation is not possible if the maintenance can be postponed.

### ► Loss of work capacity

If you have become unable to work due to the accident, or if it influences your income, you are eligible for compensation for these losses. An expert will help our office calculate the losses suffered because of this.

#### Which losses and damages are 'immaterial'?

Along with material damages you might have suffered losses that cannot be directly expressed financially, but are nonetheless eligible for financial compensation. This entails pain suffered now, in the past and future, as well as current and future loss of joy in life. In Dutch this allowance is called smartengeld. The amount is determined by several factors, such as the nature and severity of the injury, duration of medical treatment, and the extent of the injury's permanency.

The amount of this compensation can only be determined when the 'final medical state' has been reached. This will be the case once you have recovered from the injury or there is no further improvement or deterioration to be expected. Usually your attending doctor or therapist will indicate when this state has been reached. In some cases, additional examinations are needed by an independent doctor.

## 3 settlement

There are two ways to settle your case: with and without a final settlement. Sometimes, if a case is completed with a final settlement, it might nonetheless caveats for future developments. The choice for either variant depends on the severity of the injury and the amount of compensation. We will advise you on this matter.

It is important to know that the dossier can only be finished when a complete picture has been formed of the losses or damages suffered and to be suffered in the future. This is the case when you have recovered from your injury or there is no future improvement or deterioration to be expected of your current complaints, i.e. the abovementioned 'final medical state'.

30 years  
of independent  
representation.

### How will Letselschade.com handle your case?

One of our experts will help you throughout the duration of your case. In principle, we will be in contact by mail, but sometimes over the phone. Because our experts are not always available, they are supported by an assistant. Our assistants are also available by phone to help you with any questions or comments.

Our office will keep you updated about any developments concerning your case. If needed, we will contact or schedule a visit for any further consultation required. Is there any relevant information you would like to share with us? Then please do not hesitate to contact us.

Every personal injury case is different; some take longer than the other. This is partly dependent on the information that needs to be collected. Because we depend on other parties to receive the correct information, this might sometimes take a while. In addition, insurers' response times are generally long, so please take into account that because of this, as well the precision involved, finishing your case may take some time, also due to the fact that your case will be handled with the utmost care .

Finally, if you have any questions or comments, we are more than happy to help. **We are, after all, at your service!**

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JAAR



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## More information

If you have any questions about our services or would rather meet in person, please don't hesitate to call or email us. We are available on workdays by phone at 078 6443 440 and by email at: [info@letselschade.com](mailto:info@letselschade.com).

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