

Case study: navigating an emotionally challenging claim



In this DUAL case study, we explore how a difficult claim can bring challenges to resolving an already complex situation. Accidents happen and can be tragic, but responding properly to these situations can vastly improve the outcome for those not at fault.

“Who insures you doesn’t matter, until suddenly it does.”

Laura Schoefer, SVP - Claims

Case background

During this event, the plaintiff driver entered the opposite travel lane of the client’s oversize load, and an unfortunate sideswipe occurred. The defendant load was clearly marked with flags and banners and had escort vehicles present. There were two witnesses on the scene, one favorable and one unfavorable.

Challenge

As a result of the accident, tragically, there was a fatality involving a pastor’s wife, who was a mother of 9 and grandmother of 27.

Often, one element of a fatality accident is runaway jury anxiety due to jury shock over accident details but focusing on the long-distance view of the result rather than the short view of the anxieties can add value to this scenario.

Demand for this fatality was set at a multi-million-dollar level. The case was sent to trial and was defended based on the safety standards in place: the

defendant’s slow rate of travel, escort/pilot cars and oversize banners and flags.

Resolution

The case was settled in the defendant’s favor, which was a difficult and emotional result. Responding to the incident with a swift claims response, as well as on-scene evaluations and documentation contributed to the final result.

Lessons

Being the first responder to a claims event carries with it a great deal of responsibility. Thus, it’s important for management to develop a Jobsite Accident Response Plan prior to the claim event so that critical information can be gathered calmly and systematically.

Severity claims response is most effective when it utilizes a pre-planned approach. While safety and accident prevention are the core focus of the plan, a good response plan contemplates

multiple scenarios with two key objectives in mind: preserve evidence and “set the table” for the investigative team.

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