

Discontinuance Secured Following Personal Injury Claim

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NFU Mutual Insurance and DAC Beachcroft's Casualty Fraud experts, working with their respective Complex Injury experts, have successfully secured a discontinuance in a grossly exaggerated personal injury claim, resulting in an impressive saving of over £800,000 for the insurer and the defendant.

The Claimant, an employee of the defendant, claimed to have suffered injuries whilst working on a production line when an empty crate fell from a height and struck her on the arm.

Prior to proceedings having been issued, it was accepted that the incident had occurred and that there had been a breach of duty, albeit she was required to prove causation of injury. However, the Claimant sought to maximise damages and went on to present a grossly inflated claim for past and future lost earnings as well as a substantial claim for care and assistance.

The Claimant claimed that the accident had left her with continuous shoulder, back and leg pain, psychological injury, significant restriction of mobility and care needs. She did not return to work, claimed to rely heavily upon her daughter to provide assistance with her personal care and undertake all household chores. The Claimant also claimed she could not go shopping, was unable to walk any greater distance than 10 metres without the use of a wheelchair and required a walking aid for shorter distances. The level of her symptoms, she claimed, were so significant that she could not tolerate even the slightest touch during medical examinations.

The Claimant's daughter provided evidence in the form of a witness statement to verify the Claimant's claims and also accompanied the Claimant to all medical appointments, including medico legal examinations, to act as a translator.

Suspicion that the nature of symptoms and losses being reported were disproportionate were roused following what was a minor accident at work and despite input from a wide range of medical professionals and scans, no organic course could be identified.

As a result of these suspicions, the Claimant was placed under surveillance, which showed her to be walking for many hours without the need for a wheelchair as well as carrying bags of shopping. On her way to be examined by the Defendant's medical expert, the Claimant was observed carrying her wheelchair and lifting it into the boot of her car with ease despite claiming to be unable to even lift a kettle. Several hours after the examination, the Claimant was observed walking around shops without even a walking stick and was able to lift shopping bags into the boot of her daughter's car.

It also became apparent that the Claimant was pursuing another claim for injuries to her back following a subsequent accident, failing to disclose the extent of either claim in an apparent effort to maximise her damages in both matters.

Following disclosure of the surveillance evidence, the Claimant did not provide any explanation as to the clear discrepancy between her claims and what the surveillance footage showed but instead filed a Notice of Discontinuance.

This represents a significant saving for the insurer, highlights the benefits of surveillance evidence when it's proportionate to secure it, the importance of collaboration between subject matter experts and above all provides the customer with the knowledge that they are being robustly defended with a team of specialists both at NFU Mutual and at DAC Beachcroft.

Claire Laver partner at DAC Beachcroft commented: *"This represents a significant saving for the NFU Mutual and has been secured as a result of subject matter experts from two disciplines working together to achieve the desired outcome for the customer."*

For more information or advice, please contact one of our experts in our [casualty fraud team](#).

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