

QUESTIONS AND ANSWERS ABOUT DISABILITY AND PERSONAL INJURY

Q What is a disability?

A A disability is a physical or mental condition that significantly impairs an individual's ability to perform one or more major life activities. Some examples of major life activities include (but are not limited to): walking, speaking, hearing, and eating. A disability can be temporary, permanent, partial or total in nature, i.e., if a person's leg is broken during an automobile accident, this disability would be classified as a temporary partial disability because the leg will heal and the person should be able to return to normal life activities within a short period of time. A more serious injury, such as a person with brain injury, might be classified as a permanent total disability, depending on the degree of recovery.

To be protected by the Americans with Disabilities Act (ADA) of 1990, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.

Q What is a personal injury?

A A personal injury is a medical or psychological condition resulting from physical or psychological trauma requiring professional intervention. Like disabilities, personal injuries can be temporary, permanent, partial, or total. Personal injuries are usually the result of an accident or the neglect of another. Personal injuries can result in disabilities.

Q I believe I am disabled by a medical or psychological condition or personal injury. What should I do?

A You should first have your condition evaluated by a health care provider, ideally your primary care doctor. After the evaluation, your doctor can refer you to other specialists. If your condition significantly affects your functioning, you may need to go through some type of rehabilitation program or treatment. You may also need to consult an attorney to help represent your legal interests.

Q What if my condition cannot be successfully treated or rehabilitated?

A At this point you could apply for several different programs offered through your state vocational rehabilitation system or health and human services division. If you are between the ages of 16-64, you may qualify for services through your state vocational rehabilitation department. It is recommended that you call and set up an interview and medical evaluation with your local office to find out about their services and if you qualify for assistance.

Another source of support would be the Social Security Disability Income program and/or the Social Security Supplemental Security Income programs administered through your state.

If you are injured while working, your employer should have Worker's Compensation insurance and you can receive services and income assistance through that program. Check with your employer for the name and contact information for the insurance carrier.

If your injury was the result of someone else's fault, you may need to consult an attorney to protect your rights.

Q My attorney has scheduled me to see a psychologist. My injury was physical not mental. Why do I need to see a mental health professional?

A Even though the injury is physical, a disability can have long-term emotional affects for both the individual and their family members. These emotional issues are not always as easily identifiable as the physical injury. Although an injury happens to the individual, their family is also affected and family counseling may be indicated. Your attorney wants to make sure all conditions related to the injury are identified and planned for in the future.

Q How do I find a good attorney?

A This is a difficult question; what constitutes a "good" attorney? It is recommended that, if you know or currently use an attorney, that you speak to that attorney for either recommendations or referral to an attorney who specializes in the type of injury you sustained. If you don't know an attorney, ask family and friends if they know an attorney who they trust. The Internet is also a good source to find attorneys. You can use a search engine like Google or Yahoo and enter key words such as, "Auto accident," "Railroad accident," "Tractor-trailer accident" and it should pull up some web sites for attorneys who specialize in those areas.

References:

National Register of Professional Disability Consultants.
American Board of Professional Disability
Consultants.

www.doj.gov
www.truckerlawyers.com
<http://library.lp.findlaw.com>