

# *FC* INSURANCE *Matters*

## PICTURE THIS

It's been three years since Kate was forced off the Coquihalla by an out of control motorist while returning home after Christmas. Initially she was thankful just to be alive. ***A few scratches, a seat belt burn and a bang on the knee appeared to be her only injuries.*** She knows it could have been a lot worse.

After a few days Kate felt well enough to return to work. In fact, she never even mentioned the accident or her injuries to her doctor when she went in to see her with a sore throat in February. Kate thought her knee would heal in time on its own. No need to bother the doctor. After all, most of the bruising and swelling were gone by now anyway.

Unfortunately Kate's knee continued to get worse. After a year of increasing pain and swelling she finally saw her doctor. She told her about the accident and the large bruise she initially had on her knee. X-rays confirmed Kate had osteoarthritis in her knee. Her doctor explained that osteoarthritis is a progressive degenerative condition and that it may result in her requiring a total knee replacement in 10 to 15 years. Her doctor also told her that it was the bang she took to her knee in the accident that likely caused the osteoarthritis to develop.

Thankfully Kate had not yet settled her claim with ICBC. **Unfortunately, the news she received from the ICBC adjuster was no better than what she had received from her doctor.**

*"I have reviewed your clinical records and can not find one single complaint about an injury to your knee for over a year after the accident,"* said the adjuster. *"In fact your records show that you only saw your doctor on one occasion in the first year post accident and that was for a cold. I can not compensate you for something you can't prove was caused in this accident."*

When you suffer an injury in an accident it is very important to preserve any evidence that may disappear over time. In this hypothetical case, it would have been very helpful if Kate had taken a photo of all of her injuries including the bruise on her knee. This evidence would then be available to corroborate her oral evidence about the injury to her knee. ***A picture really is worth a thousand words.***



BY MERV SADDEN

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