

Phone: (586) 752-5640
Fax: (586) 336-9505
Email: sidsuo@romeolaw.com

Sidney J. Suo, P.C.

67200 Van Dyke, Ste 101
Washington, MI 48095
Office located North of 31 Mile

MICHIGAN AUTOMOBILE ACCIDENT NO-FAULT RIGHTS (First Party – Economic Insurance Benefits)

Michigan's Automobile No-Fault Law provides extremely valuable benefits which an injured person, regardless of fault, may be entitled to. The economic benefits an injured person is entitled to include MEDICAL EXPENSES, WAGE LOSS, and REPLACEMENT SERVICES as necessitated by injuries resulting from an automobile accident.

The MEDICAL EXPENSES provision provides reimbursement for all necessary medical expenses incurred because of injuries resulting from the automobile accident. If the applicable insurance policy provides for COORDINATED BENEFITS, the automobile insurer is required to pay all reasonable and necessary expenses not covered by the basic health insurance applicable and available to the injured person. If the applicable insurance policy provides for NON-COORDINATED (of full) BENEFITS, the automobile insurer is required to pay all reasonable and necessary expenses even if they are covered, and paid, by the basic health insurance applicable and available to the injured person.

All medical bills submitted are subject to the reasonable and necessary requirement of Section 3107 of the Michigan No-Fault Statute. All bills are reviewed to insure that treatment and fees meet this criteria. Please be advised that all bills must be submitted within one (1) year from the date incurred.

If the injured person is a member of a Health Maintenance Organization (HMO), Preferred Provider Organization (PPO), or other type of health care plan which requires the injured person to treat within their system, the injured person must comply with these requirements. Failure to do so may result in a rejection of payment by both the injured person's medical provider and the injured person's automobile insurance carrier.

The MEDICAL EXPENSES provision of the No-Fault Act also provides for reimbursement of transportation expenses. These include mileage to and from doctors or hospitals or rehabilitation clinics. In the event that the injured person does not or can not drive, it can include bus fare or taxi fare. It is advisable to keep a complete record of all the injured person's mileage expenses, including the date and purpose, and submit them to the insurance company along with the injured person's other bills.

The WAGE LOSS provision will reimburse the injured person for 85% of any wages lost as a result of the injured person's injuries, up to a statutory monthly maximum which is adjusted every year. The injured person must complete and return the Application for Wage Loss Benefits within one year or the injured person will forever be barred from receiving any benefits under the No-Fault Act.

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The REPLACEMENT SERVICES provision will pay up to \$20.00 a day for the hiring of persons to perform those services for the injured person that they would normally do for themselves had the injury not occurred. The services include household chores normally performed by the injured person but unable to be performed due to the injured person's accident. Reimbursement for these expenses is allowed only if the injured person's physician indicates that the injured person is unable to perform these chores due to the injured person's accident.

The Medical Expense provision is a life-time benefit, payable to the maximum set forth by statute and/or the insurance policy; the Wage Loss and Replacement Services are payable for three (3) years from of the date of the accident.

To secure these benefits, there are some important things that the injured person must do:

First, the injured person must immediately file an Application for No-Fault Benefits with the applicable insurance carrier. Nothing starts until the injured person files this application. This application must be filed within twelve (12) months from the date of the accident or the injured person will forever lose any benefits which the injured person might be entitled to.

Secondly, if any particular reimbursement expense is not paid by the injured person's insurance carrier, the injured person must file a lawsuit **for that particular item** within twelve (12) months from the date such expense was incurred. If such a lawsuit is not filed within that twelve (12) month period, then again, the injured person will lose all rights to reimbursement for that particular item of expense.

As a resident citizen of the State of Michigan, the injured person has a right to collect No Fault Benefits if the injured person is injured in an automobile accident. These benefits should come to the injured person without the need of hiring an attorney to collect them for you. It will be the injured person's responsibility to file the Application for No-Fault Benefits and to see that all necessary bills for reimbursable expenses are submitted to the insurance carrier.

HOWEVER, if the injured person is experiencing any trouble with the insurance carrier, then be sure to call us so that we can discuss the necessary legal action to protect the injured person's rights to benefits and to make sure that the injured person receives those benefits to which the injured person is entitled.

DO NOT wait too long before contacting us. Although the law gives the injured person twelve (12) months to file a lawsuit, the injured person must appreciate that there is much time required to research the facts in a particular case before a lawsuit is filed and that the injured person should call us long before twelve (12) months have gone by. The injured person should definitely let us know if ever the insurance company notifies the injured person that they will not pay benefits, or that they will stop paying benefits which they have previously paid.

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STATUTE OF LIMITATIONS

An action must be commenced within one (1) year of the date that the covered expense is incurred, except under special circumstances.

THE PLAINTIFF

The Plaintiff is the person who suffers the injury.

THE DEFENDANT

The Defendant would be the identified insurer.

COMPARABLE FAULT

An insured Plaintiff is entitled to benefits regardless of fault.

DAMAGES OR AWARDS

You are awarded a reasonable and necessary economic damages.

IT IS SUGGESTED THAT PERSONS BECOME AWARE OF THEIR RIGHTS BY CONTACTING THIS OFFICE AS SOON AS POSSIBLE, BY CALLING 586-752-5640.

We appreciate that much of this sounds quite complicated, and in many respects, the law is complicated. The important thing to remember is that the injured person must file a No-Fault Application immediately and let us know if, after a reasonable period of time, the injured person is experiencing difficulties with the insurance company.